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BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, January 5, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

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Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee
Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee
Supervisors Dufty, Daly, Elsbernd

Government Audit and Oversight Committee
Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Alioto-Pier

Rules Committee
Supervisors Campos, Daly, Alioto-Pier

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Members Present: David Campos, David Chiu, Carmen Chu, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, Supervisors Alioto-Pier, Avalos, and Daly were noted absent. There was a quorum.

Supervisors Alioto-Pier, Avalos, and Daly Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisors Alioto-Pier, Avalos, and Daly be excused from voting. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of the October 27, 2009, November 3, 2009, November 10, 2009, November 17, 2009, November 17, 2009 (Special), November 24, 2009, December 8, 2009, and December 15, 2009. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091336 [Public Employment - Amendment to the Annual Salary Ordinance FY 2009-2010 for the Department of the Environment]

Sponsor: Mayor

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of one position (.50 FTE) Class 5638 Environmental Assistant in the Department of the Environment.

FINALLY PASSED

091368 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$7,739,300]

Sponsor: Mayor

Ordinance authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of \$7,739,300 from the U.S. Department of Energy through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) under the Energy Independence and Security Act of 2007 (Pub. L. 110-140; 42 U.S.C. 17151 et seq.) for the Municipal Building Energy Efficiency Retrofit, Community Resilience, and Heating Systems Programs, and amending Ordinance Number 183-09 to reflect the addition of one and seven-tenths (1.7) grant-funded positions at the Department of the Environment.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

091373 [Accept and Expend Grant - SF General Hospital Shuttle Bus Project - \$100,245]

Sponsor: Maxwell

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant totaling \$100,245 from the Bay Area Air Quality Management District to implement a shuttle service connecting San Francisco General Hospital and Mission Bay campuses with major transit hubs in San Francisco; for the period of January 15, 2010, through January 15, 2012.

ADOPTED

091375 [Accept and Expend Grant - Southeast Health Opportunities - \$450,000]

Sponsors: Maxwell; Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$450,000 to assist with a project entitled "Southeast Health Opportunities (SHOP);" for the period of September 30, 2009, through September 29, 2010.

ADOPTED

Recommendations of the Land Use and Economic Development Committee**090962 [Zoning - Amending the Citywide Definition of Tobacco Paraphernalia Establishments by Lowering the Threshold for Retail Stores to be Considered Tobacco Paraphernalia Establishments]****Sponsor: Chiu**

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area projected to the floor, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED**091284 [Mission Bay - Park P21 Improvements]**

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED**The foregoing items were acted upon by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

091482 [Adopting Findings Related to Affirming the Exemption Determination Issued for the 2750 Vallejo Street Project]

Motion adopting findings related to affirming the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review. (Clerk of the Board)

Motion No. M10-1

APPROVED by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

Recommendation of the Budget and Finance Committee

091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be **CONTINUED ON FINAL PASSAGE** to January 12, 2010. The motion carried by the following vote:

Ayes: 5 - Campos, Chiu, Dufty, Mar, Mirkarimi

Noes: 3 - Chu, Elsbernd, Maxwell

Excused: 3 - Alioto-Pier, Avalos, Daly

Recommendation of the Land Use and Economic Development Committee

090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

NEW BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

091330 [Urging the Department of Social Services to Immediately Reverse the Policy Excluding a Person with Any Felony Conviction from Serving as an In-Home Supportive Services Homecare Provider]

Sponsors: Avalos; Mar, Dufty and Mirkarimi

Resolution urging the Department of Social Services to immediately reverse the policy excluding a person with any felony conviction or serious misdemeanor from serving as an In-Home Supportive Services independent homecare provider.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

Recommendations of the Land Use and Economic Development Committee**090319 [Zoning Ordinance Providing for a Five Feet Special Height Exception for Ground Floor Commercial Uses in NC-1 Designated Parcels]****Sponsor: Avalos**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED, ON FIRST READING by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]**Sponsors: Mar; Chiu**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owners move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).
(Supervisor Maxwell dissented in committee.)

Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

SPECIAL ORDER 3:30 P.M - Recognition of Commendations*There were none.*

SPECIAL ORDER 4:00 P.M.**091345 [Public Hearing - Appeal of Conditional Use Appeal for 1969 California Street]**

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

The President inquired as to whether any member of the public wished to address the Board concerning the motion to continue the Conditional Use Appeal for 1969 California Street. Sam Lauder (Anthony Meier Fine Arts Gallery) spoke in support of a proposed continuance. There were no other speakers. The President continued the public hearing open to January 12, 2010.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

091347 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

COMMITTEE REPORTS

091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]

Sponsors: Mirkarimi; Campos, Avalos and Daly

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

(Supervisor Alioto-Pier dissented in committee.)

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Ray Hart; expressed concerns relating to public comment.

Francisco Da Costa, expressed various concerns.

Walter Paulson; shared in song certain concerns with the Board.

Mr. Lawrence; expressed concerns relating to public comment.

Male Speaker; expressed various concerns.

Male Speaker; expressed concerns relating to Muni and the Public Library.

Nancy Cross; expressed concerns relating to Healthy San Francisco.

Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**091466 [Revising the 2010 Board of Supervisors Regular Meeting Schedule]**

Motion revising the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, June 1, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

Motion No. M10-2

APPROVED

091471 [Final Map - 83 - 85 Brady Street]

Motion approving Final Map 5548, a Six Residential Unit Condominium Project, located at 83 - 85 Brady Street being a subdivision of Lot 022 in Assessors Block No. 3505 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (District 6) (Public Works Department)

Motion No. M10-3

APPROVED

091484 [Committee of the Whole - Annuling the Privilege to Occupy Certain Subsidewalk Basement Encroachments to Accommodate the Central Subway Project]

Sponsor: Chiu

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on January 12, 2010, to hold a public hearing on File No. 091479, a resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project.

Motion No. M10-4

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 091463 be severed so that it may be considered separately.

091463 [Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, Including Access to Reproductive Choice for All and a Robust Public Option]

Sponsors: Daly; Mirkarimi, Campos, Avalos and Mar

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to January 12, 2010. The motion carried by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Avalos, Daly

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**PROPOSED ORDINANCES****091475 [General Plan Amendment - Market and Octavia Area Plan]**

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

091476 [Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase the heights of certain parcels and retain the current heights on other parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

PROPOSED RESOLUTIONS

091472 [Agreement to Purchase a Road Easement Over Portions of APN 011-001-028 Located in Stanislaus County]

Resolution approving and authorizing an agreement for the purchase of a 0.48 acre permanent road easement over portions of Assessor's Parcel Number 011-001-028 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 (the "Project") for a purchase price of \$500; adopting findings under the California Environmental Quality Act ("CEQA"); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091473 [Settlement of Department of Fair Employment and Housing Charge - Timothy Jones - \$83,251.89]

Resolution approving the settlement of the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) charges filed by Timothy Jones against the City and County of San Francisco for \$83,251.89; DFEH and EEOC charges were filed on November 13, 2008: DFEH Charge No. E200809A0330-00-pe and EEOC Charge No. 37AA904035 entitled Jones v. CCSF. (City Attorney)

12/28/09; RECEIVED AND ASSIGNED to Rules Committee.

091474 [Settlement of Claim - Devorah Joseph - \$49,000]

Resolution approving the settlement of the unlitigated claim filed by Devorah Joseph against San Francisco for \$49,000; claim was filed on July 28, 2008; additional material terms of said settlement are a full and final release. (City Attorney)

12/28/09; RECEIVED AND ASSIGNED to Rules Committee.

091478 [CEQA Findings for SFPUC Sunol Valley Water Treatment Plant Project in Alameda County]

Resolution adopting findings under the California Environmental Quality Act (CEQA) including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Sunol Valley Water Treatment Plant and Treated Water Reservoir Project, Water System Improvement (WSIP)-funded Project No. CUW38101; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

091479 [Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]

Resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project. (Municipal Transportation Agency)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:20 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, January 12, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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Angela Calvillo, Clerk of the Board

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Committee Membership

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Supervisors Avalos, Mirkarimi, Chu

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Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas

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Supervisors Dufty, Daly, Elsbernd

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Alioto-Pier

Public Safety Committee

Supervisors Chiu, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Campos, Daly, Alioto-Pier

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

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1:00 PM

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1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Land Use and Economic Development Committee

090319 [Zoning Ordinance Providing for a Five Feet Special Height Exception for Ground Floor Commercial Uses in NC-1 Designated Parcels]

Sponsor: Avalos

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

Recommendations of the Public Safety Committee**091385 [Approving the Extension of the Existing Three-Year Plan for State-Funded Child Abuse Prevention Programs]****Sponsor: Mirkarimi**

Resolution approving the extension of City and County of San Francisco's Three-Year County Plan for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

ADOPTED**091440 [Accept and Expend Grant - Second Chance Act Prisoner Reentry Initiative - \$600,000]****Sponsor: Duffy**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Bureau of Justice Assistance in the amount of \$600,000 to provide direct services for adult state prisoners and parolees; for the period of October 1, 2009, through September 30, 2010.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Budget and Finance Committee****091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]****Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Duffy, Mar, Mirkarimi

Noes: 3 - Chu, Elsbernd, Maxwell

Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee**090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]****Sponsors: Avalos; Campos, Mirkarimi and Mar**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Duplicated, see File No. 100039.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be **DUPLICATED**.
The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**Sponsors: Avalos; Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Duplicated, see File No. 090583.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be **AMENDED** relating to applying to non-rent controlled buildings where foreclosure has occurred. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to February 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]
Sponsors: Mar; Chiu**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owners move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).
(Supervisor Maxwell dissented in committee.)

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING to January 26, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendation of the Public Safety Committee

091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]

Sponsors: Mirkarimi; Campos, Avalos and Daly

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings and to require the Police Department to report to the Board of Supervisors regarding the cost of security.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091230 [Department of Building Inspection Cash Revolving Fund]

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from \$600 to \$2,000. (Building Inspection Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091421 [Appropriating \$739,355 of Various Fee Revenues for Salaries, Fringe Benefits, and Services of Other Departments in the Department of Building Inspection for FY 2009-2010]

Sponsor: Mayor

Ordinance appropriating \$739,355 of Intergovernmental Memorandum of Understanding and Vacant Building Fee revenues for salaries and fringe benefits for limited duration positions to fund fee collection costs, and to fund a projected work order shortfall with the City Attorney, for the Department of Building Inspection for FY 2009-2010.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091422 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Building Inspection]

Sponsor: Mayor

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of eleven limited duration positions (4.9 FTE) in the Department of Building Inspection.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091409 [Accept and Expend Grant - Sidney E. Frank Foundation and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$250,000]**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$250,000 from the Sidney E. Frank Foundation to initiate the San Francisco Zero Energy Homes (SFZEH) Program which will create the tools necessary for San Franciscans to radically reduce the amount of energy they use and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091420 [Accept and Expend Grant - Living Cities Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$175,000]**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$175,000 from the Living Cities Initiative to support the City's Zero Energy Home Program by accelerating the use of home performance testing of existing buildings throughout the City and thus drive the market, which will create a range of employment and career growth options and amend Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091465 [Appropriating \$1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010]**Sponsors: Mayor; Maxwell**

Ordinance appropriating \$1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010; placing \$1,683,967 on Controller's reserve.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091452 [Approving Administrative Terms and Conditions for San Francisco Sustainable Financing Program]**Sponsors: Mayor; Mar and Dufty**

Resolution approving administrative terms and conditions for the San Francisco Sustainable Financing Program; identifying the San Francisco Department of the Environment or its City agency designee as the Program Administrator for the City; setting reporting requirements; authorizing the execution of an administrative services agreement; and related matters.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendations of the Public Safety Committee**091436 [Accept and Expend Grant - U.S. Dept. of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY 2009-2010 - \$698,970]****Sponsor: Chiu**

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of \$698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091445 [Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY 2009 2010 - \$660,615]**Sponsor: Maxwell**

Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of \$660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY 2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$2,079,703]**Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY 2009-2010 Homeland Security Grant Program grant in the amount of \$2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****091450 [Hearing - Special Tax District No. 2009-1 (San Francisco Sustainable Financing)]**

Hearing of persons interested in or objecting to proposed Resolution of Formation to Establish and Determining Necessity to Incur Bonded Indebtedness (\$150,000,000) for Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit, and to provide for other matters related thereto.

The President inquired as to whether any member of the public wished to address the Board relating to the proposed Special Tax District 2009-1 referenced in File Nos. 091448 and 091449. Rich Chinn (Department of Environment) provided an overview of the project and responded to questions raised throughout the discussion. Steven Moss; Joel Koppel; Andy Fessel; Matthew Winter; Male Speaker; Gail Brown; Jeanine Potter; and Annie Carmichael; spoke in support of the proposed district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING**Committee of the Whole Adjourn and Report Without Recommendation****091448 [Resolution Determining Necessity to Incur Bonded Indebtedness - \$150,000,000]****Sponsors: Mayor; Mar and Duffy**

Resolution determining necessity to incur bonded indebtedness in a maximum principal amount of \$150,000,000 within the boundaries of Special Tax District No. 2009-1 (San Francisco Sustainable Financing) and determining other matters in connection therewith.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091449 [Resolution of Formation of Special Tax District No. 2009-1 San Francisco Sustainable Financing]**Sponsors: Mayor; Mar and Dufty**

Resolution of formation to establish Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit and to provide for other matters related thereto.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

There were none.

SPECIAL ORDER 4:00 P.M.**091345 [Public Hearing - Conditional Use Appeal for 1969 California Street]**

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board) (Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

The President inquired as to whether any member of the public wished to address the Board relating to the Conditional Use Appeal for 1969 California Street. Steve Williams (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Male Speaker; Judith Dufty; Bob Dufty; Aleea McGuire; Kei Yamagami; Ian Berke; Male Speaker; Bill Bronson; Steve Bennett; Sissy Harris; Michael Barcun; Male Speaker; Female Speaker; Jacqueline Mahana; Terry McGuire; Greg Scott; and Jerry Crowen; spoke in support of the appeal and in opposition to the project. Tara Sullivan and Aaron Starr (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Fred Gladstone and Suzanne Kelley (representing the Project Sponsor) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Celeste Meyer; Chris Meyer; Dr. Karen McNeal; Female Speaker; Jack Gold; Arney Lara; Tom Christopher; Joe Sweeney; Julian Ray; Marcus Kelly; Female Speaker; Male Speaker; Alexander Bose; Carol Brooks; Norm; Brian Soloman; Mark Perrin; Lyndsay Husk; Nordet Burk; Keith Deitrich; Al Gibson; Alvin; Jessica Silverman; Larry Matthews; Gabriella Meyer; Sara Kane; Beth Richardson; Jamie Sanders; Raul Kennedy; Chris Bliss; Rich Niles; and Male Speaker; spoke in support of the project and in opposition to the appeal. Steve Williams (representing the Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091347 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be AMENDED adding additional conditions as follows: (1) added to No. 11, "Deliveries related to art gallery to occur on street cleaning days;" (2) added to No. 14, "Valet Parking for events must arrange off-street parking for all vehicles, no use of street spaces. Valet parking operations must not unreasonably obstruct driveways at any time;" and (3) adding new condition "No. 17, The gallery shall have no more than three full-time employees. No residential parking permits shall be used by gallery employees. Alternatively, the gallery must provide employees with off-street parking." The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Motion No. M10-5

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M10-6

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.**091388 [Public Hearing - Appeals of Revocation of Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 06MSE-0181 issued on January 23, 2007, on properties located at 77 O'Farrell and 48 Stockton Streets, Lot No. 003 in Assessor's Block No. 328. (District 6) (Appellant: Martin H. Orlick for 77 O'Farrell Street) (Clerk of the Board)
(Filed 11/30/09 - Companion Measure to Files 091389, 091390, 091488.)

The President inquired as to whether any member of the public wished to address the Board. Michael Yaki, David New and Martin Orlick (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Public Works Department) provided details of the project and responded to questions raised throughout the discussion. Michael Yaki (representing the Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

091389 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and rejecting the appeal of Martin H. Orlick. (Clerk of the Board)

Motion No. M10-7

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091390 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Martin H. Orlick. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091488 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and uphold the appeal of Martin H. Orlick. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.**091483 [Public Hearing - Appeals of Revocation of Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 06MSE-0181 issued on January 23, 2007, on properties located at 77 O'Farrell and 48 Stockton Streets, Lot No. 003 in Assessor's Block No. 328. (District 6) (Appellant: Marshall C. Wallace for 48 Stockton Street) (Clerk of the Board)
(Filed 12/1/09 - Companion Measure to File Nos. 091485 and 091486)

The President inquired as to whether any member of the public wished to address the Board. Marshall Wallace (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Public Works Department) provided details of the project and responded to questions raised throughout the discussion. Marshall Wallace (representing the Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

091485 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and rejecting the appeal of Marshall C. Wallace. (Clerk of the Board)

Motion No. M10-8

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091486 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Marshall C. Wallace. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091487 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and uphold the appeal of Marshall C. Wallace. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.**091391 [Public Hearing - Appeal of Revocation of Minor Sidewalk Encroachment Permit for 24-34 Ellis Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 03MSE-157 issued on June 7, 2006, on property located at 24-34 Ellis Street, Lot No. 008 in Assessor's Block No. 327. (District 6) (Appellant: Harvey C. Hacker) (Clerk of the Board) (Filed 12/1/09 - Companion Measure to File Nos. 091392, 091393, 091489.)

The President inquired as to whether any member of the public wished to address the Board. Allen Gutenberg (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Public Works Department) provided details of the project and responded to questions raised throughout the discussion. Allen Gutenberg (representing the Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

091392 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008, in connection with the Central Subway Project, and rejecting the appeal of Harvey C. Hacker. (Clerk of the Board)

Motion No. M10-9

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091393 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Harvey C. Hacker. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091489 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008, in connection with the Central Subway Project, and uphold the appeal of Harvey C. Hacker. (Clerk of the Board)

Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100026 [Hearing - Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**

Hearing of persons interested in or objecting to proposed resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton streets to accommodate the construction of the Central Subway project. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed annulment of privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton streets referenced in File No. 091479. John Funghi (Department of Public Works) provided an overview of the project. Martin Orlick; Allen Gutenber; Marshall Wallace; and Karl Johnson; spoke in opposition to the proposed resolution. See also public hearing comments in File Nos. 091388, 091391, and 091483. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation**091479 [Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**

Resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project. (Municipal Transportation Agency)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Richard Robinson, expressed various concerns.

Walter Paulson; shared in song certain concerns with the Board.

Christopher Dahl; expressed concerns relating to SF Charter, Article 3.100.

Jeremiah Wright; expressed various concerns.

Ray Hart; expressed concerns relating to the Executive Branch of government.

Frank Lara; expressed concerns relating to MTA layoffs.

Danielle Wiseman; expressed concerns relating to MTA layoffs.

Male Speaker; expressed concerns relating to MTA layoffs.

Shanika Bell; expressed concerns relating to MTA layoffs.

Abraham Davis; expressed concerns relating to MTA layoffs.

Sterling Haywood; expressed concerns relating to MTA layoffs.

Jorge Montiel; expressed concerns relating to MTA layoffs.

Carlos Alberto Jr.; expressed concerns relating to MTA layoffs.

Maria Cristina Gutierrez; expressed concerns relating to MTA layoffs.

Jazzie Collins; expressed concerns relating to MTA layoffs.

Marie Harrison; presented Certificate of Appreciation to Supervisor Chris Daly relating to environmental justice.

Lawrence Manu; expressed concerns relating to MTA layoffs.

Leah Brilenka; expressed concerns relating to MTA layoffs.

Male Speaker; spoke regarding the Stockton Street Farmer's Market.

Catherine Howard; expressed concerns relating to expansion of soccer fields near Beach Chalet.

Nancy Cross; expressed concerns relating to service gaps.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100012 [Supporting the Youth PROMISE Act]

Sponsors: Avalos; Mar

Resolution supporting HR 1064 and SB 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

100014 [Accept and Expend Grant - National Endowment for the Arts Grant - \$50,000]

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of \$50,000 from the National Endowment for the Arts for WritersCorps' contracted teacher positions from the NEA's ARRA funds.

ADOPTED

100015 [Accept and Expend Grant - CDC Kenya-Monitoring and Evaluation - \$48,837]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$48,837 from the Regents of the University of California, to assist with a project entitled "CDC Kenya-Monitoring and Evaluation;" for the period of November 1, 2009, through August 31, 2010.

ADOPTED

100016 [Body Armor Prohibition]**Sponsor: Chiu**

Resolution urging the Supreme Court to review Lower Court's Ruling Overturning Ban on Felons Owning or Wearing Body Armor.

ADOPTED

100017 [Declaring January 10, 2010, Lee Mallory Day in San Francisco]**Sponsor: Chiu**

Resolution Declaring January 10, 2010, Lee Mallory Day in San Francisco.

ADOPTED

100018 [Extending the Term of Service for the Biodiesel Access Taskforce to December 31, 2010]**Sponsor: Mirkarimi**

Resolution extending the term of service for the Biodiesel Access Taskforce to December 31, 2010.

ADOPTED

100019 [Accept and Expend Grant - Health Impact Assessment of Congestion Pricing Policy - \$96,415]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from the Robert Wood Johnson Foundation in the amount of \$96,415 to assist with a project entitled Health Impact Assessment of Congestion Pricing Policy for the period of January 15, 2010, through January 14, 2011.

ADOPTED

100001 [Final Map 5705: 2540 – 2550 Hyde Street]

Motion approving Final Map 5705, a 6 Unit Residential Condominium Project, located at 2540 - 2550 Hyde Street being a subdivision of Lot 046 in Assessors Block No. 0045 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-10

APPROVED

100002 [Final Map 5468 – 2395 Lombard Street]

Motion approving Final Map 5468, a 3 Unit Commercial and 12 Unit Residential Mixed-Use Condominium Project, located at 2395 Lombard Street being a subdivision of Lot 041 in Assessors Block No. 0512 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-11

APPROVED

100003 [Final Map 5587 – 700 Valencia Street]

Motion approving Final Map 5587, a Nine Residential Unit and Three Commercial Unit Mixed-Use Condominium Project, located at 700 Valencia Street being a subdivision of Lot 001 in Assessors Block No. 3588 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-12

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 091463 be severed so that it may be considered separately.

091463 [Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, Including Access to Reproductive Choice for All and a Robust Public Option]

Sponsors: Daly; Mirkarimi, Campos, Avalos and Mar

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Chu requested that File No. 100013 be severed so that it may be considered separately.

100013 [International Human Trafficking Day and Human Trafficking Awareness Month]

Sponsors: Chu; Chiu

Resolution supporting the San Francisco Collaborative Against Human Trafficking, International Human Trafficking Awareness Day and the month-long campaign to bring awareness to issue of human trafficking.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

12/30/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

PROPOSED RESOLUTIONS

100027 [Approving the City and County's Triennial Self Assessment and Review of its Child Welfare and Juvenile Probation Placement Services]

Resolution approving San Francisco's Child and Family Services Review - Self Assessment, a review of its Child Welfare and Juvenile Probation Placement Services, including a needs assessment for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

01/04/10; RECEIVED AND ASSIGNED to Public Safety Committee.

100028 [Approval of the Mental Health Services Act Information Technology Component and Technological Needs Three Year Program and Expenditure Plan]

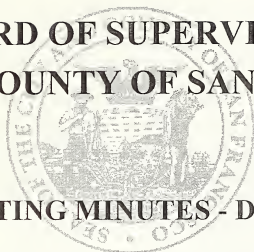
Resolution approving the Mental Health Services Act Information Technology Component and Technical Needs Three Year Program and Expenditure Plan (IT Plan) and authorizing the amendment of the MHSA Agreement to include this Plan in the agreement. (Public Health Department)

01/04/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:11 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO



MEETING MINUTES - DRAFT

Tuesday, January 26, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JAN 28 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Duffy, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Duffy, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

COMMUNICATIONS

Clerk of the Board, Angela Calvillo, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 090583 which would extend just cause eviction protections for tenants in most residential rental units with a certificate of occupancy issued after June 13, 1979. Direction was given to the Clerk of the Board to agendize this matter at the Regular Meeting of February 2, 2010.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before the Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091230 [Department of Building Inspection Cash Revolving Fund]

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from \$600 to \$2,000. (Building Inspection Commission)

FINALLY PASSED

091409 [Accept and Expend Grant - Sidney E. Frank Foundation and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$250,000]**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$250,000 from the Sidney E. Frank Foundation to initiate the San Francisco Zero Energy Homes (SFZEH) Program which will create the tools necessary for San Franciscans to radically reduce the amount of energy they use and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

FINALLY PASSED**091420 [Accept and Expend Grant - Living Cities Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$175,000]****Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$175,000 from the Living Cities Initiative to support the City's Zero Energy Home Program by accelerating the use of home performance testing of existing buildings throughout the City and thus drive the market, which will create a range of employment and career growth options and amend Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

FINALLY PASSED**091421 [Appropriating \$739,355 of Various Fee Revenues for Salaries, Fringe Benefits, and Services of Other Departments in the Department of Building Inspection for FY2009-2010]****Sponsor: Mayor**

Ordinance appropriating \$739,355 of Intergovernmental Memorandum of Understanding and Vacant Building Fee revenues for salaries and fringe benefits for limited duration positions to fund fee collection costs, and to fund a projected work order shortfall with the City Attorney, for the Department of Building Inspection for FY2009-2010.
(Fiscal Impact.)

FINALLY PASSED**091422 [Public Employment - Amendment to the Annual Salary Ordinance, FY2009-2010 - Department of Building Inspection]****Sponsor: Mayor**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of eleven limited duration positions (4.9 FTE) in the Department of Building Inspection.

FINALLY PASSED

091465 [Appropriating \$1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010]

Sponsors: Mayor; Maxwell

Ordinance appropriating \$1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010; placing \$1,683,967 on Controller's reserve.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

091322 [Liquor License, 953 Harrison Street]

Resolution determining that the issuance of a Type 21 off-sale general license to Patrick and Angela Buscovich, for the Wine Club located at 953 Harrison Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

091401 [Accept and Expend Grant - California Secretary of State VOTE Grant Program - Not to Exceed \$249,998.41]

Sponsor: Alioto-Pier

Resolution authorizing the San Francisco Department of Elections to accept and expend grant funds in an amount not to exceed \$249,998.41 for improving accessibility to and participation in the election process for individuals with disabilities in accordance with the California Secretary of State's VOTE Grant Program.

ADOPTED

Recommendations of the Public Safety Committee

091436 [Accept and Expend Grant - U.S. Dept. of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY2009-2010 - \$698,970]

Sponsor: Chiu

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of \$698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office.

FINALLY PASSED

091445 [Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$660,615]**Sponsor: Maxwell**

Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of \$660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

FINALLY PASSED**091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$2,079,703]****Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY2009-2010 Homeland Security Grant Program grant in the amount of \$2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

FINALLY PASSED**Recommendations of the Rules Committee****091381 [Settlement of Lawsuit - Marco Maestrini - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for \$40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING**091382 [Settlement of Lawsuit - Ben H. Lyon - \$47,500]**

Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for \$47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING**091383 [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - \$158,000]**

Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for \$158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - \$141,692.50]

Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for \$141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

PASSED, ON FIRST READING

091384 [Settlement of Unlitigated Claim - David Cleary - \$225,000]

Resolution approving the settlement of the unlitigated claim filed by David Cleary against the City and County of San Francisco for \$225,000; claim was filed on May 22, 2009. (City Attorney)

ADOPTED

091473 [Settlement of Department of Fair Employment and Housing Charge - Timothy Jones - \$83,251.89]

Resolution approving the settlement of the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) charges filed by Timothy Jones against the City and County of San Francisco for \$83,251.89; DFEH and EEOC charges were filed on November 13, 2008: DFEH Charge No. E200809A0330-00-pe and EEOC Charge No. 37AA904035 entitled Jones v. CCSF. (City Attorney)

ADOPTED

091474 [Settlement of Claim - Devorah Joseph - \$49,000]

Resolution approving the settlement of the unlitigated claim filed by Devorah Joseph against San Francisco for \$49,000; claim was filed on July 28, 2008; additional material terms of said settlement are a full and final release. (City Attorney)

ADOPTED

091427 [Appointments, Workforce Investment Community Advisory Committee - Tracy Brown and Jamie Brewster]

Motion appointing Tracy Brown and Jamie Brewster, terms to be determined, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)

Tracy Brown, seat 3, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

Jamie Brewster, seat 4, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

Motion No. M10-13

APPROVED

091481 [Appointment, Veterans Affairs Commission - James Gugliemoni]

Motion appointing James Gugliemoni, term ending January 31, 2014, to the Veterans Affairs Commission. (Clerk of the Board)

James Gugliemoni, seat 10, succeeding himself, term expiring on January 31, 2010, must be an at-large appointment, for a four-year term ending January 31, 2014.

Motion No. M10-14

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]

Sponsors: Mar; Chiu

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

(Supervisor Maxwell dissented in Committee.)

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction during the school year where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendation of the Public Safety Committee

091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]

Sponsors: Mirkarimi; Campos, Avalos and Daly

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings and to require the Police Department to report to the Board of Supervisors regarding the cost of security.

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091447 [Ordinance Levying Special Taxes within Special Tax District No. 2009-1 San Francisco Sustainable Financing]

Sponsors: Mayor; Mar and Dufty

Ordinance to authorize and levy special taxes within the City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the special tax rate and amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091451 [Resolution Authorizing Sale of Special Tax Bonds - Not to Exceed \$10,000,000]
Sponsors: Mayor; Mar and Dufty

Resolution authorizing the issuance and sale of special tax bonds in an aggregate principal amount not to exceed \$10,000,000 and approving the form of a Fiscal Agent Agreement, a Purchase Contract and a Security Agreement and authorizing and approving other related actions in connection therewith.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091464 [Early Implementation of Two-Year Budget and Five-Year Financial Plan Requirements]

Sponsors: Mayor; Chiu and Mirkarimi

Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091442 [Contract to Transfer Airport Police Service, Assets, and Liabilities from California Public Employees' Retirement System to San Francisco Employees' Retirement System]

Sponsor: Elsbernd

Resolution approving contract to transfer airport police service and associated assets, and liabilities from the California Employees' Retirement System to the San Francisco Employees' Retirement System.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100022 [Accept and Expend Grant - Reentry Council and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$50,000]

Sponsor: Maxwell

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$50,000 from the San Francisco Foundation, to support the development of data collection tools and service standards for the new Reentry Council, and amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010), to reflect the addition of temporary salaries to fund one (1) temporary (.50 FTE) grant-funded 8173 Legal Assistant position in the Office of the Public Defender.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091439 [Paratransit Broker Agreement - Not to Exceed \$118,599,710]**Sponsor: Dufty**

Resolution approving a Paratransit Broker Agreement with Veolia Transportation, Inc., in an amount not to exceed \$118,599,710 for a five-year term ending June 30, 2015, with an optional five-year extension.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091478 [CEQA Findings for SFPUC Sunol Valley Water Treatment Plant Project in Alameda County]

Resolution adopting findings under the California Environmental Quality Act (CEQA) including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Sunol Valley Water Treatment Plant and Treated Water Reservoir Project, Water System Improvement (WSIP)-funded Project No. CUW38101; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100065 [Appropriation Ordinance to Reflect Mayor's Budget Balancing Plan for FY2009-2010]**Sponsor: Mayor**

Ordinance appropriating \$10,193,602 of sources and \$4,556,230 of uses and de-appropriating \$1,444,829 of sources and \$31,053,764 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for FY2009-2010, de-appropriating \$1,299,545 of General Fund Reserve, and de-appropriating \$35,825,254 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.

(Fiscal Impact.)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Ordinance appropriating \$10,193,602 of sources and \$4,556,230 of uses and de-appropriating \$1,444,829 of sources and \$30,908,851 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for Fiscal Year 2009-2010, de-appropriating \$1,444,458 of General Fund Reserve, and de-appropriating \$35,680,341 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee

Supervisor Chu Excused from Voting

Supervisor Maxwell, seconded by Supervisor Dufty, moved that Supervisor Chu be excused from voting on File No. 091218. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Chu

091218 [MOU, Amendment #2 - Local 798, Unit 1]

Sponsor: Mayor

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 2 - Alioto-Pier, Chu

091219 [MOU, Amendment #2 - Local 798, Unit 2]

Sponsor: Mayor

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee

091437 [Contract with Owners' Association for Administration/Management of Greater Union Square Business Improvement District]

Sponsor: Chiu

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Greater Union Square Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendations of the Rules Committee

091233 [Administrative Code Amendments Related to False Claims]

Sponsor: Alioto-Pier

Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091402 [Medical Cannabis Task Force]

Sponsors: Campos; Mirkarimi, Avalos and Daly

Ordinance amending the San Francisco Administrative Code by adding Sections 5.2-1 through 5.2-6, to establish a Medical Cannabis Task Force to advise the Board of Supervisors on medical cannabis issues.

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Chu, Daly, Elsbernd

Excused: 1 - Alioto-Pier

Supervisor Daly, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Daly, Elsbernd

Excused: 1 - Alioto-Pier

091403 [Inclusion of Textiles in Sweatfree Contracting Ordinance]**Sponsors:** Campos; Mar

Ordinance adding Section 12U.5.1 of the Administrative Code to provide that contracts for textiles are within the coverage of the Sweatfree Contracting Ordinance.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091446 [Modifying the Membership of the Food Security Task Force]**Sponsor:** Maxwell

Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger and food insecurity in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091459 [Appointment, Urban Counties Caucus - Supervisor Michela Alioto-Pier]

Motion appointing Supervisor Michela Alioto-Pier, term ending December 31, 2010, to the Urban Counties Caucus. (Clerk of the Board)

Motion No. M10-15

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100050 [Committee of the Whole - Confirming Report of Delinquent Transfer Taxes]**

Hearing of persons interested in or objecting to a report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this Resolution, and creating special assessments and liens based thereon pursuant to Section 1115.1 of the Real Property Transfer Tax Ordinance (under San Francisco Business and Tax Regulations Code Article 12-C). (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the motion to table File No. 100051. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Committee of the Whole Adjourn and Report Without Recommendation**100051 [Confirming Report of Delinquent Transfer Taxes]**

Sponsor: Dufty

Resolution confirming report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100036 [Committee of the Whole – Beilenson Hearing]****Sponsor: Avalos**

Hearing to consider the Department of Public Health's budget eliminating or reducing health care medical services.

See File No. 100035.

The President inquired as to whether any member of the public wished to address the Board relating to the Department of Public Health's budget eliminating or reducing health care medical services. Dr. Mitch Katz, Director of the Department of Public Health, provided an overview of the reductions and responded to questions raised throughout the discussion. Male Speaker; Rev. Melinda McLain; Ken Jones; Abdullah Megaheed; Brenda Barros; Rita Lark; Chris Osborne; Pamela Snyder; Mother Jones; Dr. Alicia Boccellari; Arthur Bosse; Skip Jones; Eve Meyer; Female Speaker; Neils Teunis; Christa Compton; Emil Lawrence; Rev. Yvette Flunder; Michael Tong; Kevin Manz; Jesse Brooks; Male Speaker; Rachel Kelley; Female Speaker; Elree Dawson; Famus Morris; Grace Aikens; Female Speaker; Terry Wells; Female Speaker; Female Speaker; Teresa Hart; Jazheim Groome; Aretha Jones; Male Speaker; Male Speaker; Amber Wright; Eric Johnson; Fran Huston; Debbie Lerman; Walter Paulson; Nancy Cross; Male Speaker; Mr. Wright; Ray Hartz; Richard Robinson; Male Speaker; Roberta Robinson; and Ms. Tomas; spoke expressing concerns relating to reductions in health services. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**Privilege of the Floor**

Supervisor Chu, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Eisbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to the family of Art Octavio, long time swim coach of the San Francisco Recreation and Park Department Pools and Lowell High School Swim Team, in recognition of his accomplishments and community support.

COMMITTEE REPORTS

091162 [Purchaser's Authority to Permit Informal Solicitation of Certain Contracts for Purchase of Goods or Services and to Set Aside Contracts for Small Local Businesses]

Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos

Ordinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to \$100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses.

Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091163 [Economic Stimulus Measures for Capital Project Acceleration]

Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from \$100,000 to \$400,000 with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to \$25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from \$25,000 to \$100,000 with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from \$3,000,000 to \$5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from \$200,000 or \$400,000 (depending on the program) to \$400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091404 [Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]**Sponsors:** Chiu; Mayor, Dufty, Mirkarimi, Campos and Chu

Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise, and Non-Discrimination in Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

Supervisors Dufty, Mirkarimi, Campos, and Chu requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091405 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]**Sponsors:** Chiu; Chu, Maxwell, Mayor, Dufty, Mirkarimi and Campos

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth \$400,000 or less and to set a goal of not less than 25% of other contracts worth \$100,000 or less for the Micro-Local Business Enterprise Set Aside Program, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between \$5,000,000 and \$20,000,000 (6) provide that subcontracting and consulting goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may permit the use of SBA-LBEs or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting and subconsulting goals are to be exempted from satisfying good faith outreach requirements and (8) total LBE participation on a bid or proposal to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established goals for them.

Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100047 [Planning Code - Interim Controls Related to Affordable Housing Requirements]**Sponsors:** Mayor; Chiu

Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

This item was not sent as a Committee Report.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Mr. Wright; expressed various concerns.
Richard Robinson; expressed various concerns.
Ray Hartz; expressed concerns relating to government.
Peter Warfield; expressed concerns relating to the SF Public Library.
Chris; expressed concerns relating to the Charter.
John DiDonna; expressed concerns relating to the handicapped citizens.
Male Speaker; expressed various concerns in Spanish and English.
Teresa Hart; expressed concerns relating to contractors.
Male Speaker; expressed various religious concerns.
Walter Paulson; shared in song certain concerns with the Board.
Nancy Cross; expressed concerns relating to sleep deprivation.
Richard McRee; expressed concerns relating to Hunter's Point EIR.*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100060 [Accept and Expend Grant - HIV Technical Guide - \$14,500]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of \$14,500 to develop a technical guide for HIV care and prevention programs for men who have sex with men (MSM) and transgendered individuals; for the period of December 15, 2009, through December 31, 2009.

ADOPTED

100062 [Urging President Obama to Issue an Executive Order Creating a National Ocean Policy]

Sponsor: Mirkarimi

Resolution urging President Obama to issue an Executive Order to create a National Ocean Policy based on the recommendations of the Ocean Policy Task Force.

ADOPTED

100063 [Angel Island Immigration Station Day - January 21, 2010]

Sponsors: Mar; Avalos, Campos, Chiu and Chu

Resolution declaring January 21, 2010, as Angel Island Immigration Station Day, and Commemorating the 100th Anniversary of the Immigration Station.

ADOPTED

100064 [Bernal Heights Branch Library Re-Opening]**Sponsor: Campos**

Resolution recognizing the grand re-opening of the Bernal Heights Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

ADOPTED

100070 [Final Map 5582: 1489 – 1495 Valencia Street]

Motion approving Final Map 5582, a 2 Airspace Subdivision: Parcel "A" being a Mixed Use Condominium Project (6 Residential Units and 1 Commercial Unit) and Parcel "B" being a One Lot Airspace Project, located at 1489 - 1495 Valencia Street being a subdivision of Lot No. 028 in Assessors Block No. 6530 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-17

APPROVED

100071 [Final Map 4305: 3431 – 3435 Mission Street]

Motion approving Final Map 4305, a Four Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 3431 - 3435 Mission Street being a subdivision of Lot No. 037 in Assessors Block No. 5673 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-18

APPROVED

100072 [Final Map 4789: 235 Waller Street]

Motion approving Final Map 4789, a Six Unit Residential Condominium Project, located at 235 Waller Street being a subdivision of Lot No. 035 in Assessors Block No. 0869 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-19

APPROVED

100073 [Final Map 4955: 1250 – 1260 Missouri Street]

Motion approving Final Map 4955, a 36 Unit Commercial Condominium Project, located at 1250 - 1260 Missouri Street being a merger and resubdivision of Lot Nos. 014, 015, 016 in Assessors Block No. 4287 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-20

APPROVED

Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 10 – Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 – Alioto-Pier

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that File No. 100035 be severed so that it may be considered separately.

**100035 [Committee of the Whole - Health Services Reductions (Beilenson Hearing)
January 26, 2010, at 3:00 p.m.]**

Sponsor: Avalos

Motion scheduling the Board to sit as a Committee of the Whole to consider health services reductions (Beilenson Hearing), to be held on January 26, 2010, at 3:00 p.m.

Motion No. M10-16

The President inquired as to whether any member of the public wished to address the Board relating to the Board sitting as a Committee of the Whole to address health service reductions referenced in File No. 100036. There were no speakers. The President declared public comment closed.

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Elsbernd requested that File No. 100061 be severed so that it may be considered separately.

100061 [Opposing Shading of Public Parks and Open Space]

Sponsors: Chiu; Avalos, Campos, Daly, Mar, Maxwell and Mirkarimi

Resolution opposing changes to the Park Shadow Ban that would increase shading of public parks and open space.

REFERRED to the Land Use and Economic Development Committee

Supervisor Mirkarimi requested that File No. 100084 be severed so that it may be considered separately.

100084 [Proclamation of Local Emergency - January 19, 2010]

Sponsor: Elsbernd

Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

See File No. 100087.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, effective through February 2, 2010, and in the actions taken to meet the emergency.

Motion No. M10-21

APPROVED AS AMENDED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Mirkarimi, seconded by Supervisor Campos, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

100087 [Proclamation of Local Emergency - January 22, 2010]**Sponsor: Elsbernd**

Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

See File No. 100084.

The President inquired as to whether any member of the public wished to address the Board relating to the Imperative Item relating to the proclamation of a local emergency as referenced in File No. 100087. Ed Reiskin, Director of the Department of Public Works, and Frank Filice, Public Works Project Manager, provided an overview and responded to questions raised throughout the discussion. Laura Capelli; Josh Berry; Bill McGlocklin; Dean LaTourrette; Male Speaker; and Les Martin; spoke expressing concerns relating to the local emergency and utilization of appropriate materials. There were no other speakers. The President declared public comment closed.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, effective through February 2, 2010, and in the actions taken to meet the emergency.

Motion No. M10-22

APPROVED AS AMENDED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100068 [Settlement of Lawsuit - Marjorie Flores - \$57,500]

Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for \$57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)

01/06/10; RECEIVED AND ASSIGNED to Rules Committee.

100069 [Settlement of Lawsuit - Yee Mei Hung - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for \$50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)

01/06/10; RECEIVED AND ASSIGNED to Rules Committee.

100080 [Repealing the Department of Technology Cash Revolving Fund]

Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)

01/13/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/25/2010.

PROPOSED RESOLUTIONS**100081 [Approval to Award a Three-Year Lease for Surface Parking Between the Port of San Francisco and Central Parking System, Inc. (Lease No. L-14795) for Seawall Lots ("SWL") 301, and SWL 314 Located in the Northern Waterfront]**

Resolution approving a Port Commission Lease with Central Parking System, Inc. a Tennessee Corporation in, for certain real property located at SWL 301 bounded by Taylor Street, Jefferson Street, and Powell Street, and SWL 314 bounded by The Embarcadero and Bay Street, and Kearny Street the City and County of San Francisco for a term of 3 years. (Port)

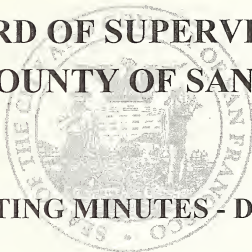
01/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:33 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO



MEETING MINUTES - DRAFT

Tuesday, February 2, 2010 - 2:00 PM

**Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

**GOVERNMENT
DOCUMENTS DEPT**

FEB - 4 2010

**SAN FRANCISCO
PUBLIC LIBRARY**

DAVID CHIU, PRESIDENT

**MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI**

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Campos, seconded by Supervisor Mar, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of January 5, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

091447 [Ordinance Levying Special Taxes Within Special Tax District No. 2009-1 San Francisco Sustainable Financing]

Sponsors: Mayor; Mar and Duffy

Ordinance to authorize and levy special taxes within the City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the special tax rate and amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith.

FINALLY PASSED

091464 [Early Implementation of Two-Year Budget and Five-Year Financial Plan Requirements]

Sponsors: Mayor; Chiu and Mirkarimi

Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119.

FINALLY PASSED

100022 [Accept and Expend Grant - Reentry Council and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$50,000]

Sponsor: Maxwell

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$50,000 from the San Francisco Foundation, to support the development of data collection tools and service standards for the new Reentry Council, and amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010), to reflect the addition of temporary salaries to fund one (1) temporary (.50 FTE) grant-funded 8173 Legal Assistant position in the Office of the Public Defender.

FINALLY PASSED

100074 [Accept and Expend Grant - PG&E Efficiency Contract - \$11,540,000]

Sponsor: Mayor

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$11,540,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to implement an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco.

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee**100011 [Accept and Expend Grant - HIV Prevention Programs - \$512,960]****Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$512,960 from the California Department of Public Health Office of AIDS to assist with a project entitled "HIV Prevention Programs," for the period of July 1, 2009, through June 30, 2010.

ADOPTED**100042 [Accept and Expend Grant - Supporting HIV Health Services - \$3,533,612]****Sponsor: Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$3,533,612 from the California Department of Public Health Office of AIDS, to assist with a project entitled "Single Allocation Model" for the period of July 1, 2009, through June 30, 2010.

ADOPTED**Recommendations of the Land Use and Economic Development Committee****091162 [Purchaser's Authority to Permit Informal Solicitation of Certain Contracts for Purchase of Goods or Services and to Set Aside Contracts for Small Local Businesses]****Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**

Ordinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to \$100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses.

FINALLY PASSED

091163 [Economic Stimulus Measures for Capital Project Acceleration]**Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from \$100,000 to \$400,000 with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to \$25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from \$25,000 to \$100,000 with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from \$3,000,000 to \$5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from \$200,000 or \$400,000 (depending on the program) to \$400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

FINALLY PASSED**091404 [Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]****Sponsors: Chiu; Mayor, Dufty, Mirkarimi, Campos and Chu**

Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise, and Non-Discrimination in Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

FINALLY PASSED**Recommendations of the Rules Committee****091233 [Administrative Code Amendments Related to False Claims]****Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.

FINALLY PASSED**091381 [Settlement of Lawsuit - Marco Maestrini - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for \$40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091382 [Settlement of Lawsuit - Ben H. Lyon - \$47,500]

Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for \$47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091383 [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - \$158,000]

Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for \$158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - \$141,692.50]

Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for \$141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

FINALLY PASSED

091403 [Inclusion of Textiles in Sweatfree Contracting Ordinance]

Sponsors: Campos; Mar

Ordinance adding Section 12U.5.1 of the Administrative Code to provide that contracts for textiles are within the coverage of the Sweatfree Contracting Ordinance.

FINALLY PASSED

091446 [Modifying the Membership of the Food Security Task Force]

Sponsor: Maxwell

Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger and food insecurity in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.

FINALLY PASSED

100037 [Appointment, Small Business Commission - Kathleen Dooley]

Motion appointing Kathleen Dooley, term ending January 6, 2014, to the Small Business Commission. (Clerk of the Board)

Kathleen Dooley, succeeding herself, seat 2, term expired, must be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2014.

Motion No. M10-23

APPROVED

100038 [Appointments, San Francisco Health Authority - John Gressman, Tracey Faulkner and Steve Fields]

Motion appointing John Gressman, Tracey Faulkner and Steve Fields terms ending January 15, 2012, to the San Francisco Health Authority. (Clerk of the Board)

John Gressman, succeeding himself (residency requirement waived), seat 5, must be an employee in the senior management of either private nonprofit community clinics or a community clinic consortium, nominated by the SF Community Clinic Consortium, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2012.

Tracey Faulkner, succeeding herself, seat 11, must be a nominee of the Health Authority Beneficiary Advisory Committee, at least one of whom shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for the unexpired portion of a three-year term ending January 15, 2012.

Steve Fields, succeeding himself, (residency requirement waived), seat 12, must be a person knowledgeable in matters relating to either traditional safety net providers, health care organizations, the Medi-Cal program, or the activities of the health authority, nominated by the program committee of the health committee, for the unexpired portion of a three-year term ending January 5, 2012.

Motion No. M10-24

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the Consent Agenda

Supervisor Campos requested that File No. 091405 be severed so that it may be considered separately.

091405 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]**Sponsors: Chiu; Chu, Maxwell, Mayor, Duffy and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 and 14B.15 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth \$400,000 or less and to establish a goal to set aside not less than 25% of other contracts worth \$100,000 or less for the Micro-Local Business Enterprise Set Aside Program, but the 25% goal shall become a requirement after 120 days, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between \$400,000 and \$20 million, except that in the case of contracts \$10 million and under, the 2% discount shall not apply if a Small or Micro-LBE would otherwise be the winning bidder or proposer, and (6) provide that subcontracting participation goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may set goals based on the availability of all LBEs and permit contractors to satisfy those goals with SBA-LBEs, in addition to Small and Micro LBEs, or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting participation goals are to be exempt from satisfying good faith outreach requirements, and (8) total LBE participation on a bid or proposal is to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established subcontracting goals for them on the contract.

Supervisor Campos moved to divide the question relating to SBA/LBE Category.

Supervisor Avalos, seconded by Supervisor Campos, moved to continue the divided question relating to SBA/LBE Category to February 23, 2010.

The motion to continue FAILED by the following vote:

Ayes: 3 - Avalos, Campos, Duffy

Noes: 7 - Maxwell, Mirkarimi, Chiu, Chu, Daly, Elsbernd, Mar

Supervisor Daly, seconded by Supervisor Campos, moved to continue the divided question relating to SBA/LBE Category to February 9, 2010.

The motion to continue FAILED by the following vote:

Ayes: 5 - Mirkarimi, Avalos, Campos, Daly, Duffy

Noes: 5 - Maxwell, Chiu, Chu, Elsbernd, Mar

The question relating to SBA/LBE Category was PASSED as divided by the following vote:

Ayes: 7 - Maxwell, Mirkarimi, Chiu, Chu, Daly, Elsbernd, Mar

Noes: 3 - Avalos, Campos, Duffy

FINALLY PASSED as divided by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

OVERTURN MAYORAL VETO. The motion **FAILED** by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 3 - Chu, Duffy, Elsbernd

Excused: 1 - Alioto-Pier

Recommendation of the Budget and Finance Committee

100065 [Appropriation Ordinance to Reflect Mayor's Budget Balancing Plan for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$10,193,602 of sources and \$4,556,230 of uses and de-appropriating \$1,444,829 of sources and \$30,908,851 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for Fiscal Year 2009-2010, de-appropriating \$1,444,458 of General Fund Reserve, and de-appropriating \$35,680,341 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee

Supervisor Chu Excused from Voting

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that Supervisor Chu be excused from voting on File No. 091218. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Chu

091218 [MOU, Amendment #2 - Local 798, Unit 1]

Sponsor: Mayor

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 2 - Alioto-Pier, Chu

091219 [MOU, Amendment #2 - Local 798, Unit 2]

Sponsor: Mayor

Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee**0910835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]****Sponsors: Mar; Chiu**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction during the school year where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

(Supervisor Maxwell dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Rules Committee**091402 [Medical Cannabis Task Force]****Sponsors: Campos; Mirkarimi, Avalos and Daly**

Ordinance amending the San Francisco Administrative Code by adding Sections 5.2-1 through 5.2-6, to establish a Medical Cannabis Task Force to advise the Board of Supervisors on medical cannabis issues.

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Chu, Elsbernd

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091457 [Earthquake Safety and Emergency Response General Obligation Bonds - \$652,070,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell
Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.
(Fiscal Impact.)

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 8, Line 4, by deleting 2009 and adding January 7, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED AS AMENDED to February 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - \$652,070,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Duffy, Mirkarimi, Mar and Maxwell

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 12, Line 17, by deleting 2009 and adding January 7, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED AS AMENDED to February 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100049 [Accept and Expend Grant - Protocol for ENERGYSTAR and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$80,000]

Sponsor: Duffy

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$80,000 from the US Environmental Protection Agency-Region 9 to research and develop a new protocol for ENERGYSTAR in Multifamily High-rise residential and mixed-use buildings and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

From the Budget and Finance Committee Without Recommendation**091454 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12A]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012.

(Fiscal Impact.)

Privilege of the floor was granted to Martin Gran (Department of Human Resources) who provided an overview and responded to questions raised throughout the discussion.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091455 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12B]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12B, to be effective July 1, 2009, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the City Operations and Neighborhood Services Committee**091441 [Recreation and Park Department - Animal Protections; Increasing Penalties for Park Code Violations]****Sponsor: Elsbernd**

Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to \$500 maximum for an infraction and up to \$1000 for a misdemeanor.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED on Page 3, Lines 14-15, regarding feeding of certain animals or birds. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee**091231 [Authorizing the Municipal Transportation Agency to Implement On-Street Parking Meter and Parking Control Pilot Projects]**

Ordinance authorizing the Municipal Transportation Agency to implement and extend SFpark parking meter and parking control pilot projects. (Municipal Transportation Agency)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

President Chiu introduced, welcomed, and presented a Certificate of Honor to Keisha Nzewi (American Heart Association) and Sara Dorband, a heart disease survivor, in recognition of American Heart Month and for their continued community support.

COMMITTEE REPORTS

Recommendation of the Rules Committee

091429 [Establishing a Film Commission, its Membership, Qualifications, and Powers]

Sponsors: Alioto-Pier; Daly, Campos and Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED to February 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development

100047 [Planning Code - Interim Controls Related to Affordable Housing Requirements]

Sponsors: Mayor; Chiu

Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Richard Robinson; expressed various concerns.

Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

Male Speaker; expressed various religious concerns.

Peter Warfield; expressed concerns relating to the SF Public Library.

Walter Paulson; shared in song certain concerns with the Board.

Abe Johnston; expressed various concerns.

Darryl Shultz; expressed concerns relating to the local emergency and utilization of appropriate materials.

Christopher Dahl; expressed concerns relating to contractors.

Female Speaker; expressed concerns relating to the local emergency and utilization of appropriate materials.

Male Speaker; expressed concerns relating to the local emergency and utilization of appropriate materials.

Ernie Martin; expressed concerns relating to the local emergency and utilization of appropriate materials.

Male Speaker; expressed concerns relating to the local emergency and utilization of appropriate materials.

Chuck Perry; expressed concerns relating to the local emergency and utilization of appropriate materials.

Dean LaTourrette; expressed concerns relating to the local emergency and utilization of appropriate materials.

Laura Capelli; expressed concerns relating to the local emergency and utilization of appropriate materials.

Ace Washington; spoke regarding Black History Month.

Dennis Rogers; expressed concerns relating to the local emergency and utilization of appropriate materials.

Christine Adena; expressed concerns relating to the local emergency and utilization of appropriate materials.

Mr. Duffy; expressed various concerns.

Edmond Juicy; spoke regarding Black History Month.

Emil Lawrence; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100106 [Supporting the Department of Public Works Accreditation Efforts]

Sponsor: Duffy

Resolution supporting the Department of Public Works' application to the American Public Works Association for accreditation.

ADOPTED

100107 [Declaring February 5, 2010, as Joe Illick Day in San Francisco]**Sponsor: Dufty**

Resolution declaring February 5, 2010, as Joe Illick Day in San Francisco.

ADOPTED

100108 [Commending the Obama Administration for the Granting of Temporary Protected Status to Haitians Living in the United States]**Sponsors: Campos; Avalos, Chiu and Mar**

Resolution commending the Obama Administration for granting temporary protected status to Haitians in the United States, and directing the Clerk of the Board to send a letter of support to President Obama, Secretary Napolitano, Speaker Pelosi, Senator Feinstein, and Senator Boxer.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

100110 [Declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco]**Sponsors: Dufty; Mar**

Resolution declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

100111 [Urging Congress and President Obama to Increase California's Federal Medical Assistance Percentage by Renewing Federal Stimulus Funds]**Sponsor: Avalos**

Resolution urging Congress and President Obama to increase California's Federal Medical Assistance Percentage by renewing federal stimulus funds.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 100109 be severed so that it may be considered separately.

100109 [In Solidarity With the Workers of the Mexican Electricians Union]

Sponsors: Avalos; Mar

Resolution urging President Felipe Calderon and the Mexican Federal Government to immediately re-instate the workers of the Mexican Electricians Union and remove all military and police personnel from the occupied Mexican power plants.

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Elsbernd, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Resolution urging Congress and President Obama to urge President Felipe Calderon and the Mexican Federal Government to immediately re-instate the workers of the Mexican Electricians Union and remove all military and police personnel from the occupied Mexican power plants.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA*[Serious Injury Finding]*

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100122 [Concurring in January 19, 2010, Proclamation of Local Emergency]**Sponsor: Elsbernd**

Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

Motion No. M10-25

Privilege of the floor was granted to Ed Reiskin, Director of the Department of Public Works, who provided an update of the current situation and responded to questions raised throughout the discussion.

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100123 [Concurring in January 22, 2010, Proclamation of Local Emergency]**Sponsors: Mayor; Elsbernd**

Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

Motion No. M10-26**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

LEGISLATION INTRODUCED AT ROLL CALL**PROPOSED RESOLUTION****100085 [Settlement of Unlitigated Claim - Patricia Geary - \$80,000]**

Resolution approving the settlement of the unlitigated claim filed by Patricia Geary against the City and County of San Francisco for \$80,000; claim was filed on September 16, 2009. (City Attorney)

01/21/10; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:17 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, February 9, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

FEB 12 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Members Present: David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisors Alioto-Pier and Avalos were noted absent. There was a quorum.

Supervisors Alioto-Pier and Avalos Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisors Alioto-Pier and Avalos be excused from voting. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Chu, moved to approve the Board Meeting Minutes of January 12, 2010. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 091015 which would require elected officials to reimburse the City for dignitary security provided during campaign-related travel. Direction was given to the Clerk of the Board to agendize this matter at the Regular Meeting of February 23, 2010.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100049 [Accept and Expend Grant - Protocol for ENERGYSTAR and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$80,000]

Sponsor: Dufty

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$80,000 from the US Environmental Protection Agency-Region 9 to research and develop a new protocol for ENERGYSTAR in Multifamily High-rise residential and mixed-use buildings and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

FINALLY PASSED

100028 [Approval of the Mental Health Services Act Information Technology Component and Technological Needs Three-Year Program and Expenditure Plan]

Resolution approving the Mental Health Services Act Information Technology Component and Technical Needs Three-Year Program and Expenditure Plan and authorizing the amendment of the MHS Act Agreement to include this Plan in the agreement. (Public Health Department)

ADOPTED

Recommendation of the Land Use and Economic Development Committee

091231 [Authorizing the Municipal Transportation Agency to Implement On-Street Parking Meter and Parking Control Pilot Projects]

Ordinance authorizing the Municipal Transportation Agency to implement and extend SFpark parking meter and parking control pilot projects. (Municipal Transportation Agency)

FINALLY PASSED

Recommendation of the Public Safety Committee

100027 [Approving the City and County's Triennial Self Assessment and Review of its Child Welfare and Juvenile Probation Placement Services]

Resolution approving San Francisco's Child and Family Services Review - Self Assessment, a review of its Child Welfare and Juvenile Probation Placement Services, including a needs assessment for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100145 [Adopting Findings Related to the Conditional Use Appeal on Property Located at 1969 California Street]

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

Motion No. M10-27

APPROVED AS AMENDED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to February 23, 2010. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

From the Budget and Finance Committee Without Recommendation**091454 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12A]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012.

(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

091455 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12B]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12B, to be effective July 1, 2009, through June 30, 2012.

FINALLY PASSED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

Recommendation of the City Operations and Neighborhood Services Committee**091441 [Recreation and Park Department - Animal Protections; Increasing Penalties for Park Code Violations]****Sponsors: Elsbernd; Dufty**

Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to \$500 maximum for an infraction and up to \$1000 for a misdemeanor.

Supervisor Dufty requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

Recommendation of the Rules Committee**091429 [Establishing a Film Commission, its Membership, Qualifications, and Powers]****Sponsors: Alioto-Pier; Daly, Campos and Mar**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

ORDERED SUBMITTED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

Board of Supervisors Sitting as a Committee of the Whole**100146 [Committee of the Whole - Earthquake Safety and Emergency Response General Obligation Bonds - \$652,070,000]**

Hearing of persons interested in or objecting to proposed Resolution and proposed Ordinance relating to the Earthquake Safety and Emergency Response General Obligation Bonds - \$652,070,000. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to Earthquake Safety and Emergency Response General Obligation Bonds referenced in File Nos. 091457 and 091458. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

Committee of the Whole Adjourn and Report Without Recommendation

Recommendations of the Budget and Finance Committee**091457 [Earthquake Safety and Emergency Response General Obligation Bonds - \$412,300,000]**

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.
(Fiscal Impact.)

Privilege of the floor was granted to Ed Reiskin, Director of Public Works, who provided an overview and responded to questions raised throughout the discussion.

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

091457 [Earthquake Safety and Emergency Response General Obligation Bonds - \$412,300,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, and a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$412,300,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.
(Fiscal Impact.)

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be **CONTINUED AS AMENDED** to February 23, 2010. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - \$412,300,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell
Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - \$412,300,000]**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$412,300,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 2 - Alioto-Pier, Avalos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091460 [Authorizing the Execution of an Option to Purchase Interests in the Properties Located at 1600 and 1670 Owens Street, San Francisco and Acquire Related Design and Construction Plans]

Sponsor: Mayor

Ordinance approving City's execution of option agreement for purchase of (i) real property located at 1600 Owens Street, San Francisco, California for purpose of construction of new laboratory building for use by the City's Office of the Chief Medical Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the land and existing parking structure located at 1670 Owens Street San Francisco, California, (iii) rights to use existing permitted base building design and construction documents in connection with City's proposed construction of new laboratory building at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations under certain existing design and development contracts related to such proposed laboratory building construction; exempting acquisition by City of existing permitted base building design and construction documents and related design or construction contracts from Chapter 6 of City's Administrative Code; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

(Supervisor Mirkarimi dissented in Committee.)

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Ordinance be **CONTINUED ON FIRST READING** to February 23, 2010. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

100025 [Bond Sale of Clean and Safe Neighborhood Parks General Obligation Bonds - Not to Exceed \$65,000,000]**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed \$65,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010B, and City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010D (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 2 - Alioto-Pier, Avalos

100024 [Bond Sale of San Francisco General Hospital Improvement Bonds - Not to Exceed \$305,000,000]**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed \$305,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010A, and City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010C (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

ADOPTED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

100101 [Appropriating \$305,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$305,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the second issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the California Lawyers for the Arts in recognition of their accomplishments and continued community support.

COMMITTEE REPORTS

Recommendation of the Land Use and Economic Development Committee

091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]

Sponsor: Chiu

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to offstreet parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Campos, Chiu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Noes: 2 - Chu, Elsbernd

Excused: 2 - Alioto-Pier, Avalos

Recommendation of the Rules Committee**091430 [Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]****Sponsor: Avalos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (2) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

Supervisor Campos, seconded by Supervisor Daly, moved that this Charter Amendment be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

091430 [Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]**Sponsor: Avalos**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; (2) require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (3) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be **CONTINUED AS AMENDED to February 23, 2010**. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

091433 [Reducing Employer Retirement Benefit Costs]**Sponsors: Elsbernd; Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

See File Nos. 100156 and 100157.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be **DUPLICATED**. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Charter Amendment be **CONTINUED** to February 23, 2010. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

100156 [Reducing Employer Retirement Benefit Costs]**Sponsors: Mar; Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers'" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

Supervisor Mar, seconded by Supervisor Campos, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

Supervisor Elsbernd divided the legislation relating to language regarding 7.5% for 7%. See File No. 100157.

100156 [Reducing Employer Retirement Benefit Costs]**Sponsors: Mar; Campos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, A8.510, A8.590-4 and A8.590-5, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System ("SFERS") or the California Public Employees' Retirement System ("CalPERS") after June 8, 2010 for firefighters, police officers and deputy sheriffs; (2) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (3) require the difference between the City and County's contribution to the SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (4) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (5) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010 who become members of the CalPERS; (6) require all contracts with CalPERS for persons hired on and after July 1, 2010 to include a two-year formula for the calculation of final compensation to the fullest extent possible; (7) require all contracts and contract amendments on and after July 1, 2010 for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (8) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010 that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (9) create new retirement plans for safety members hired on and after July 1, 2010 that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Charter Amendment be CONTINUED AS AMENDED AND DIVIDED to February 23, 2010. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

100157 [Payment for Employee Retirement Contribution]**Sponsors: Mar; Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco on June 8, 2010, by amending Section A8.409-5 to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System (SFERS) or the California Public Employees' Retirement System (CalPERS) after June 8, 2010, for certain employees; (2) authorize the City and County to offer a one-time seven percent (7%) wage increase to those affected employees as acknowledgement that the City and County will no longer pay the required seven and one-half percent (7.5%) employee contribution to SFERS or the required employee contribution to CalPERS afforded in their most recent collectively bargained agreement, provided that no such increase shall become effective before July 1, 2011; and (3) require voter approval before the City and County can pay, for up to a two-year period, required employee contributions to SFERS or CalPERS after June 8, 2010.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Charter Amendment be CONTINUED AS DIVIDED to February 23, 2010. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard Robinson; expressed various concerns.
Miss Daisy, expressed concerns relating to current layoffs.
Peter Warfield; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
Christopher Dahl; expressed various concerns.
Joya Castaneda; expressed concerns relating to undocumented youth.
Richard McRee; expressed various concerns.
Male Speaker, expressed various concerns.
Scott Kyper, expressed concerns relating to public safety.
Male Speaker; expressed various religious concerns.
Edmond Juicy; expressed various concerns.*

CLOSED SESSION

100132 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on February 9, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

The Board recessed at the hour of 2:54 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present:
Supervisors Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Martin Gran, Director of Employee Relations
Mary Hao, Department of Human Resources
Ben Rosenfield, Controller
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

The Board reconvened at the hour of 3:16 p.m.

The following Supervisors were noted present:
Supervisors Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Dufty was noted absent at 4:24 p.m.

100119 [Committee of the Whole - Redevelopment Agency Disposition and Development Agreement]

Sponsor: Mirkarimi

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on February 23, 2010, for the purpose of considering a resolution approving a disposition and development agreement for a vacant parcel at 1345 Turk Street.

Motion No. M10-29

APPROVED by the following vote:

Ayes: 8 - Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos
Absent: 1 - Dufty

Supervisor Dufty was noted present at 4:26 p.m.

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 100131 be severed so that it may be considered separately.

100131 [Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on February 9, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

Motion No. M10-28

The President inquired as to whether any member of the public wished to address the Board relating to the Board convening in closed session concerning negotiations with labor unions representing City workers referenced in File No. 100131. There were no speakers. The President declared public comment closed.

APPROVED by the following vote:

Ayes: 9 - Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**PROPOSED ORDINANCES****100112 [Including Dispatch Services in the Program for Additional Police Department Services]**

Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4 and 10B.5 to include dispatch services provided by the Department of Emergency Management in the program for additional Police Department services. (Department of Emergency Management)

01/29/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100113 [Private Ambulance Regulatory Fee Payments]

Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)

01/29/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100118 [Settlement of Claim - Elisa Gill - \$50,000]

Resolution approving the settlement of Equal Employment and Opportunity Commission Charge No. 550-2009-00090, filed by Elisa Gill on October 28, 2008, against the San Francisco Public Utilities Commission, for \$50,000. (City Attorney)

02/01/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

100105 [Approval of Contract for Uncompensated Reimbursement Recovery Services for the Department of Public Health]

Resolution authorizing the San Francisco Department of Public Health to amend its contract with Health Advocates, LLC to provide uncompensated reimbursement recovery services for the term of April 1, 2006, through December 31, 2013 in the amount of \$16,570,000. (Public Health Department)

01/27/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:27 p.m.

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BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, February 23, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

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Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, indicated the Mayor would not make an appearance before the Board of Supervisors.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

- 100101 [Appropriating \$305,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2009-2010]**

Sponsor: Mayor

Ordinance appropriating \$305,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the second issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2009-2010.

(Fiscal Impact.)

FINALLY PASSED

- 100066 [Accept and Expend Grant - Transportation Development Act, Article 3 - \$1,089,413]**

Sponsors: Mayor; Chiu and Duffy

Resolution authorizing the San Francisco Municipal Transportation Agency to accept and expend a grant in the amount of \$1,089,413 from the Metropolitan Transportation Commission for various bicycle projects in the City and County of San Francisco in FY2009-2010.

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

- 100096 [Accept and Expend Grant - Light Brown Apple Moth Program - \$42,448.60]**

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Food and Agriculture in the amount of \$42,448.60 to fund the Little Brown Apple Moth Program for the period of July 1, 2009, through June 30, 2010.

ADOPTED

- 100097 [Accept and Expend Grant - Ghana's Most-At-Risk Populations Size Estimation - \$28,465]**

Sponsor: Duffy

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$28,465 from the University of California San Francisco (UCSF), to assist with a project entitled "Ghana's Most-At-Risk Populations Size Estimation" for the period of January 1, 2010, through March 31, 2010.

ADOPTED

Recommendation of the Land Use and Economic Development Committee**091472 [Agreement to Purchase a Road Easement Over Portions of APN 011-001-028 Located in Stanislaus County]**

Resolution approving and authorizing an agreement for the purchase of a 0.48 acre permanent road easement over portions of Assessor's Parcel No. 011-001-028 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of \$500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

Recommendation of the Rules Committee**100115 [Appointments, Citizen's Committee on Community Development - Charlie Sciammas, Rene Cazenave, Joshua Arce and Gaylen Mohre]**

Motion appointing Charlie Sciammas, Rene Cazenave, Joshua Arce and Gaylen Mohre, terms to be determined, to the Citizen's Committee on Community Development. (Clerk of the Board)

Motion No. M10-30

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]

Sponsors: Mirkarimi; Campos, Avalos and Daly

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings and to require the Police Department to report to the Board of Supervisors regarding the cost of security.

FINALLY PASSED OVER THE MAYOR'S VETO. The motion FAILED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 3 - Chu, Dufty, Elsbernd

Excused: 1 - Alioto-Pier

From the Board

100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to March 2, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Budget and Finance Committee**091460 [Authorizing the Execution of an Option to Purchase Interests in the Properties Located at 1600 and 1670 Owens Street, San Francisco and Acquire Related Design and Construction Plans]****Sponsor: Mayor**

Ordinance approving the City's execution of option agreement for purchase of (i) real property located at 1600 Owens Street, San Francisco, California for purpose of construction of new laboratory building for use by the City's Office of the Chief Medical Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the land and existing parking structure located at 1670 Owens Street San Francisco, California, (iii) rights to use existing permitted base building design and construction documents in connection with City's proposed construction of new laboratory building at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations under certain existing design and development contracts related to such proposed laboratory building construction; exempting acquisition by City of existing permitted base building design and construction documents and related design or construction contracts from Chapter 6 of City's Administrative Code; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

(Supervisor Mirkarimi dissented in Committee.)

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]****Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Fiscal Impact.)

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to March 9, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Board of Supervisors Sitting as a Committee of the Whole**100173 [Committee of the Whole - Earthquake Safety and Emergency Response General Obligation Bonds - \$412,300,000]**

Hearing of persons interested in or objecting to proposed Resolution and proposed Ordinance relating to the Earthquake Safety and Emergency Response General Obligation Bonds - \$412,300,000.

The President inquired as to whether any member of the public wished to address the Board relating Earthquake Safety and Emergency Response General Obligation Bonds referenced in File Nos. 091457 and 091458. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

Recommendations of the Budget and Finance Committee

Privilege of the floor was granted to Starr Terrell, the Mayor's Liaison to the Board of Supervisors, Edwin Lee, City Administrator, Joanne Hayes-White, Fire Chief, Charles Higuera, Project Manager, Ben Rosenfield, Controller, and Brian Strong, Capital Planning Program Coordinator, who provided an overview of File Nos. 091457 and 091458 and responded to questions raised throughout the discussion.

091457 [Earthquake Safety and Emergency Response General Obligation Bonds - \$412,300,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Duffy, Mirkarimi, Mar and Maxwell

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, and a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$412,300,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - \$412,300,000]

Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$412,300,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Board of Supervisors Sitting as a Committee of the Whole**100171 [Committee of the Whole - Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]**

Hearing of persons interested in or objecting to proposed Charter Amendment relating to the mandated reduction of expenditures to programs for City services, designated by the Board of Supervisors (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating Mandated Reductions of Expenditures to Programs for City Services referenced in File No. 091430. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

Recommendation of the Rules Committee

091430 [Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]

Sponsor: Avalos

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; (2) require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (3) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Board of Supervisors Sitting as a Committee of the Whole

100172 [Committee of the Whole - Reducing Employer Retirement Benefit Costs and Payment for Employee Retirement Contributions]

Hearing of persons interested in or objecting to proposed Charter Amendments relating to reducing employer retirement benefit costs and payment for employee retirement contributions. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating Reducing Employer Retirement Benefit Costs and Payment for Employee Retirement Contributions referenced in File Nos. 091433, 100156, and 100157. Bob Muskat (Labor Council) spoke expressing concerns relating savings to City. Paul Solesco (Labor Council) spoke relating to work within committee. Robert Halland (SEIU) spoke expressing various concerns. Jean Thomas spoke expressing concerns relating to one time raise option. Sally (SEIU) spoke expressing concerns relating to current give-backs. Brenda Barros spoke in support of two-year option. Richard Robinson spoke expressing various concerns. Louise Von spoke expressing various concerns. Female Speaker spoke expressing concerns relating to current give-backs and reductions. Male Speaker spoke expressing concerns relating to janitor wages. Walter Paulson shared in song certain concerns relating to retirement benefits. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

Recommendations of the Rules Committee**091433 [Reducing Employer Retirement Benefit Costs]****Sponsors: Elsbernd; Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Charter Amendment be CONTINUED to March 2, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100156 [Reducing Employer Retirement Benefit Costs]**Sponsors: Mar; Campos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, A8.510, A8.590-4 and A8.590-5, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System (SFERS) or the California Public Employees' Retirement System (CalPERS) after June 8, 2010, for firefighters, police officers and deputy sheriffs; (2) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (3) require the difference between the City and County's contribution to the SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (4) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (5) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the CalPERS; (6) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (7) require all contracts and contract amendments on and after July 1, 2010 for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (8) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (9) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, City and County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Charter Amendment be **CONTINUED AS AMENDED AS A COMMITTEE OF THE WHOLE** to March 2, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100157 [Payment for Employee Retirement Contributions]

Sponsors: Mar; Campos

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section(s) A8.409-5, to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System (SFERS) or the California Public Employees' Retirement System (CalPERS) after June 8, 2010, for certain employees; (2) authorize the City and County to offer a one-time seven percent (7%) wage increase to certain employees as acknowledgement that the City and County will no longer pay the required seven and one-half percent (7.5%) employee contribution to SFERS or the required employee contribution to CalPERS afforded in their most recent collectively bargained agreement, provided that no such increase shall become effective before July 1, 2011; and (3) require voter approval before the City and County can pay, for up to a two-year period, required employee contributions to SFERS or CalPERS after June 8, 2010.

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be **TABLED**. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100052 [Appropriating \$410,000 of Anticipated PGA Tour Revenue for the Harding Park Golf Course in the Department of Recreation and Parks for FY2009-2010]

Sponsor: Elsbernd

Ordinance appropriating \$410,000 of anticipated PGA Tour revenue to fund preparation of the Harding Park Golf Course for the 2010 Schwab Cup Tournament in the Department of Recreation and Parks for FY2009-2010.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100142 [Appropriating \$2,816,535 of State and Federal Revenues for Various Purposes in the Human Services Agency for FY2009-2010]

Sponsors: Mayor; Dufty

Ordinance appropriating \$2,816,535 of various revenues, including \$672,043 of additional In-Home Support Services administrative and fraud prevention allocation from the State, \$1,315,790 of additional Federal and State Older Youth Adoption Services allocation, and \$828,702 of additional State Food Stamps administrative allocation, for In-Home Support Services administration, In-Home Support Services fraud prevention, the Food Stamps eligibility program, and activities to promote older youth adoptions in the Human Services Agency for FY2009-2010, and placing \$284,783 of salaries and fringe benefits in the In-Home Support Services Investigations program on Budget and Finance Committee reserve.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100143 [Public Employment - Human Services Agency]

Sponsor: Mayor

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of 42 new positions (17.64 FTEs) at the Human Services Agency.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100161 [Adopting Implementation Plan for CleanPowerSF]**Sponsors: Mirkarimi; Campos, Mar, Dufty, Chiu and Daly**

Ordinance adopting a revised Implementation Plan for the City's Community Choice Aggregation Program, CleanPowerSF, and authorizing the filing of the Implementation Plan with the California Public Utilities Commission.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091287 [Tenderloin Housing Clinic Contract Approval - \$82,286,121]

Resolution approving, retroactively, the contract between the City and County of San Francisco and the Tenderloin Housing Clinic to provide master-leased housing for formerly homeless single adults to the Human Services Agency for the period of January 1, 2010, to June 30, 2015, in the amount of \$82,286,121. (Human Services Department)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100081 [Lease for Surface Parking Between the Port of San Francisco and Central Parking System, Inc., Located in the Northern Waterfront]

Resolution approving a Port Commission Lease (Lease No. L-14795) with Central Parking System, Inc., a Tennessee Corporation, for certain real property located at Seawall Lots (SWL) 301 bounded by Taylor Street, Jefferson Street, and Powell Street, and SWL 314 bounded by The Embarcadero and Bay Street, and Kearny Street in the City and County of San Francisco for a term of 3 years. (Port)

Privilege of the floor was granted to Jeff Bauer and Monique Moyer (Port) who provided an overview and responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Campos

Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee**100148 [Setting the Budget and Legislative Analyst Services Work Plan for 2010]****Sponsor: Mar**

Motion approving the Budget and Legislative Analyst Services work plan for 2010, which: (a) allocates hours for calendar year 2010, (b) authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours based on Board of Supervisors service needs, and (c) requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2010 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

Motion No. M10-31

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Privilege of the floor was granted to Harvey Rose and Severin Campbell (Budget and Legislative Analyst) who provided an overview of File Nos. 100057 and 100094 and responded to questions raised throughout the discussion.

100057 [Budget and Legislative Analyst Audit of the City's General Fund Revenues]

Sponsor: Mirkarimi

Motion requesting the Budget and Legislative Analyst to: (1) conduct an audit of the City and County of San Francisco's existing lease, fee, and other General Fund revenues generated by City department activities and of the City's collection of General Fund revenues; and (2) identify new General Fund revenues, enhancement of existing General Fund revenues, and improved collection of General Fund revenues.

Motion No. M10-32

APPROVED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

Excused: 1 - Alioto-Pier

100094 [Budget and Legislative Analyst Limited Scope Performance Audit of the San Francisco Municipal Transportation Agency to Determine its Effectiveness]

Sponsors: Campos; Mirkarimi and Chiu

Motion directing the Budget and Legislative Analyst to conduct a limited scope performance audit of the San Francisco Municipal Transportation Agency (SFMTA) to determine if the SFMTA is operating in the most efficient, effective, and economical manner in establishing and collecting revenues and in managing expenditures.

Motion No. M10-33

Supervisor Chiu requested to be added as a co-sponsor.

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

091407 [Recreation and Park Department - Naming Parcel 4 as Sutro Dunes]

Sponsors: Mar; Maxwell

Ordinance amending the San Francisco Park Code by renaming Article 1 as "Title and General Provisions" and adding Section 1.05 to name the parcel located at the junction of the Great Highway and Balboa Street "Sutro Dunes."

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100009 [Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]**Sponsor: Dufty**

Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100010 [Local Streets and Roads Needs Assessment]**Sponsors: Dufty; Chiu**

Resolution supporting the findings of the California Statewide Local Streets and Roads Needs Assessment.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Rules Committee**Supervisor Daly Excused from Voting**

Supervisor Mar, seconded by Supervisor Avalos, moved that Supervisor Daly be excused from voting on File No. 100116. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Daly

100116 [Appointment, Association of Bay Area Government Executive Board - Supervisor Chris Daly]

Motion appointing Supervisor Chris Daly, as an alternate member, term ending June 30, 2011, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Motion No. M10-34**APPROVED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Daly

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100120 [Committee of the Whole - Redevelopment Agency Sale of Land at 1345 Turk Street Through a Disposition and Development Agreement]****Sponsors: Mirkarimi; Mar**

Hearing to consider the Proposed Disposition and Development Agreement between the Redevelopment Agency of the City and County of San Francisco and MSPDI, Turk LLC., for the disposition of land at 1345 Turk Street, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

Supervisor Mar requested to be added as a co-sponsor.

The President inquired as to whether any member of the public wished to address the Board relating Redevelopment Agency Sales of Land at 1345 Turk Street referenced in File No. 100121. Olson Lee (Redevelopment Agency) provided an overview of the project and responded to questions raised throughout the discussion. Diane Smith spoke expressing concerns relating to certificate holders. Louise Von spoke expressing concerns relating to public housing. Richard Robinson spoke expressing various concerns. Ace Washington spoke expressing concerns relating to certificate holders. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING**Committee of the Whole Adjourn and Report Without Recommendation****100121 [Redevelopment Agency Sale of Land at 1345 Turk Street Through a Disposition and Development Agreement]****Sponsors: Mirkarimi; Mar**

Resolution approving the Redevelopment Agency of the City and County of San Francisco's Disposition and Development Agreement for Assessor's Block No. 0756, Lot No. 017, commonly known as 1345 Turk Street, to sell the Site to MSPDI Turk, LLC, a California limited liability company, for the development of 32 affordable for sale housing units for low- and moderate-income households.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Black History Month, their accomplishments, and their continued community support as referenced below:

Supervisor Mar recognized Dorsey Nunn (Legal Services for Prisoners with Children);

Supervisor Chiu recognized Brian Gadsden and Herve Ernest;

Supervisor Chu recognized Kenyatta Scott (Abraham Lincoln High School);

Supervisor Mirkarimi recognized Don Lacey (KPOO FM), Marcus Boks, and Idris Ackamoor and Rhodessa Jones (Cultural Odyssey);

Supervisor Daly recognized Bobby Bogan (Seniors Organizing Seniors);

Supervisor Elsbernd recognized Courtney Johnson Clenendin;

Supervisor Duffy recognized John Weber;

Supervisor Campos recognized Karen Huggins (Holly Courts Residential Council);

Supervisor Maxwell recognized Emily Wade-Thompson (George Washington Elementary School);
and

Supervisor Avalos recognized Joseph Lambert and Elba Clemente-Lambert (Creative Music Emporium).

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard Robinson; expressed various concerns.
Louise Von; expressed concerns relating to public comment.
Mr. Wright; expressed various concerns including MUNI youth fast pass fare increase.
Nick Quesada; expressed concerns relating to MUNI youth fast pass fare increase.
Diane Wesley Smith; expressed concerns relating to cruise ship emissions.
Male Speaker; expressed various religious concerns.
Female Speaker; expressed concerns relating to the San Francisco Housing Authority.
Juan La Vega; expressed concerns relating to MUNI youth fast pass fare increase.
Hillary Liang; expressed concerns relating to MUNI youth fast pass fare increase.
Regina Liang; expressed concerns relating to MUNI youth fast pass fare increase.
Leah LaCroix; expressed concerns relating to MUNI youth fast pass fare increase.
Marvin Martinez; expressed concerns relating to MUNI youth fast pass fare increase.
Richard McRee; expressed concerns relating to technology, inventions and patents.
John DiDonna; shared in poem certain concerns with the Board.
Kristen Uhler; expressed concerns relating to MUNI youth fast pass fare increase.
Breyana Singletary; expressed concerns relating to MUNI youth fast pass fare increase.
Walter Paulson; shared in song certain concerns with the Board.
Shane; expressed concerns relating to MUNI youth fast pass fare increase.
Jesus Perez; expressed concerns relating to MUNI youth fast pass fare increase.
Daniela; expressed concerns relating to MUNI youth fast pass fare increase in Spanish and English.
Raul; expressed concerns relating to MUNI youth fast pass fare increase in Spanish and English.
Male Speaker; expressed concerns relating to MUNI youth fast pass fare increase.
Peter Warfield; expressed concerns relating to the SF Public Library.
Mario Yedidia (Youth Commission); expressed concerns relating to MUNI youth fast pass fare increase.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100163 [American Red Cross Month - March 2010]

Sponsors: Dufty; Campos

Resolution declaring March 2010 as American Red Cross Month.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100164 [Extending the Joint City and School District Committee]

Sponsors: Dufty; Campos

Motion amending the Board of Supervisors' Rules of Order No. 5.7 to extend the term of the Joint City and School District Select Committee through March 1, 2011.

Motion No. M10-35

Supervisor Campos requested to be added as a co-sponsor.

APPROVED

100165 [Endorsing Rally for California's Future - March 4, 2010]**Sponsors: Mar; Campos**

Resolution endorsing Rally for California's Future, a statewide day of action in support of education and public sector services on March 4, 2010.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chiu requested that File No. 100190 be severed so that it may be considered separately.

100190 [Accept and Expend Grant - 2010 Census Grant]

Resolution authorizing the Office of Civic Engagement & Immigrant Affairs to accept and expend a grant in the amount of \$31,000 from the State of California, Governor's Office of Planning and Research, to support San Francisco's complete count outreach and education activities related to the 2010 Census.

Supervisor Chiu, seconded by Supervisor Mar, moved that this Resolution be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Resolution authorizing the Office of Civic Engagement & Immigrant Affairs to accept and expend a grant in the amount of \$32,250 from the State of California, Governor's Office of Planning and Research, to support San Francisco's complete count outreach and education activities related to the 2010 Census.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100168 [Wastewater Revenue Bond Issuance]

Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission (Commission) to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter (Charter) of the City and County of San Francisco (City) enacted by the voters on November 5, 2002, as Proposition E (Proposition E); and ratifying previous actions taken in connection therewith.

02/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

100166 [Settlement of Unlitigated Claim - Larkfield, Inc. - \$49,500]

Resolution approving the settlement of the unlitigated claim filed by Larkfield, Inc. against the City and County San Francisco for \$49,500; claim was filed on September 2, 2009.

02/03/10; RECEIVED AND ASSIGNED to Rules Committee.

100167 [Agreement to Purchase Two Access Road Easements Over Portions of APN 016-002-014 Located in Stanislaus County]

Resolution approving and authorizing an agreement for the purchase of two permanent access road easements totaling 1.07 acres over portions of Assessor's Parcel Number 016-002-014 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 (Project) for a purchase price of \$2,900; adopting findings under the California Environmental Quality Act (CEQA); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

02/04/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100169 [Wastewater Revenue Bonds Issuance - Not to Exceed \$285,600,000]

Resolution approving the issuance of not to exceed \$285,600,000 in aggregate principal amount of wastewater revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the wastewater revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

02/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:41 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 2, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

GOVERNMENT
DOCUMENTS DEPT

MAR - 4 2010

SAN FRANCISCO
PUBLIC LIBRARY

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:13 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100052 [Appropriating \$410,000 of Anticipated PGA Tour Revenue for the Harding Park Golf Course in the Department of Recreation and Parks for FY2009-2010]

Sponsor: Elsbernd

Ordinance appropriating \$410,000 of anticipated PGA Tour revenue to fund preparation of the Harding Park Golf Course for the 2010 Schwab Cup Tournament in the Department of Recreation and Parks for FY2009-2010.

(Fiscal Impact.)

FINALLY PASSED

100142 [Appropriating \$2,816,535 of State and Federal Revenues for Various Purposes in the Human Services Agency for FY2009-2010]**Sponsors: Mayor; Duffy**

Ordinance appropriating \$2,816,535 of various revenues, including \$672,043 of additional In-Home Support Services administrative and fraud prevention allocation from the State, \$1,315,790 of additional Federal and State Older Youth Adoption Services allocation, and \$828,702 of additional State Food Stamps administrative allocation, for In-Home Support Services administration, In-Home Support Services fraud prevention, the Food Stamps eligibility program, and activities to promote older youth adoptions in the Human Services Agency for FY2009-2010, and placing \$284,783 of salaries and fringe benefits in the In-Home Support Services Investigations program on Budget and Finance Committee reserve.

FINALLY PASSED**100143 [Public Employment - Human Services Agency]****Sponsor: Mayor**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of 42 new positions (17.64 FTEs) at the Human Services Agency.

FINALLY PASSED**100161 [Adopting Implementation Plan for CleanPowerSF]****Sponsors: Mirkarimi; Campos, Mar, Duffy, Chiu and Daly**

Ordinance adopting a revised Implementation Plan for the City's Community Choice Aggregation Program, CleanPowerSF, and authorizing the filing of the Implementation Plan with the California Public Utilities Commission.

FINALLY PASSED**Recommendations of the City Operations and Neighborhood Services Committee****091424 [Liquor License - 84 Second Street]**

Resolution determining that the issuance of a Type 21 Off-Sale beer, wine, and distilled spirits license to Nassir A. Zughayir for Sammy's located on Second at 84 Second Street will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED**100032 [Liquor License, 461 Pacific Avenue]**

Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Jim Howell, for the Barrel Cellar, LLC located at 461 Pacific Avenue, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100083 [Liquor License, 2111 Market Street]

Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Maarten Bon, for Cork located at 2111 Market Street, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED

100137 [Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - \$200,000]

Sponsor: Mar

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of \$200,000 for the Urban Forestry Project.

ADOPTED

100138 [Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - \$65,000]

Sponsor: Mar

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Education Grant administered by the California Department of Forestry and Fire Protection in the amount of \$65,000 for the Urban Forestry Project.

ADOPTED

Recommendations of the Land Use and Economic Development Committee**091407 [Recreation and Park Department - Naming Parcel 4 as Sutro Dunes]**

Sponsors: Mar; Maxwell

Ordinance amending the San Francisco Park Code by renaming Article 1 as "Title and General Provisions" and adding Section 1.05 to name the parcel located at the junction of the Great Highway and Balboa Street "Sutro Dunes."

FINALLY PASSED

100009 [Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]

Sponsor: Dufty

Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be **CONTINUED AS AMENDED AS A COMMITTEE OF THE WHOLE** to March 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091433 [Reducing Employer Retirement Benefit Costs]**Sponsors: Elsbernd; Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

ORDERED SUBMITTED. The motion FAILED by the following vote:

Ayes: 4 - Chu, Dufty, Elsbernd, Maxwell

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Excused: 1 - Alioto-Pier

Board of Supervisors Sitting as a Committee of the Whole**100218 [Committee of the Whole - Reducing Employer Retirement Benefit Costs]**

Hearing of persons interested in or objecting to proposed Charter Amendments relating to reducing employer retirement benefit costs. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating Reducing Employer Retirement Benefit Costs referenced in File No. 100156. Tim Paulson spoke expressing concerns relating to pension reform. Robert Halland (SEIU) spoke expressing various concerns. Bob Muskat (Labor Council) spoke expressing concerns relating savings to City. Tom O'Conner (Fire Union) spoke expressing concerns relating to pension reform. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

From the Board**100156 [Reducing Employer Retirement Benefit Costs]****Sponsors: Mar; Campos, Elsbernd and Mirkarimi**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, City and County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.

ORDERED SUBMITTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100059 [Appropriating \$3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, and placing \$406,665, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, on Budget and Finance Committee Reserve.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100099 [Appropriating \$1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]

Sponsors: Mar; Daly

Ordinance appropriating \$1,233,664 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

Supervisor Daly requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100134 [Health Service System Plans and Contribution Rates]

Sponsor: Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100135 [Establishing Monthly Contribution Amount to Health Service Trust Fund]

Sponsor: Elsbernd

Resolution establishing monthly contribution amount to Health Service Trust Fund.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091344 [Redevelopment Agency Bond Authorization - \$28,000,000]**Sponsors: Mayor; Avalos**

Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED to March 16, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100007 [Approving Central Subway Final Design Contract Package No. 2 - Stations - Not to Exceed \$39,949,948]**Sponsor: Chu**

Resolution approving Municipal Transportation Agency Contract No. CS-155-2, Professional Architectural and Engineering Services for the final design and construction of the Central Subway Project, with the Central Subway Design Group, a Joint Venture of Parsons Brinkerhoff, Kwan Hemni Architecture and Michael Willis Architecture, in an amount not to exceed \$39,949,948, for a term not to exceed ten years with an option to extend the term an additional two years. (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee**091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]****Sponsors: Mar; Avalos**

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, and 1009.29-1009.32, and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

Supervisor Mar, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED to March 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Rules Committee

091370 [Determining Surviving Spouse Status for Retirement Purposes]

Sponsor: Elsbernd

Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

091435 [Child Care Planning and Advisory Council Membership]

Sponsor: Chiu

Ordinance amending San Francisco Administrative Code by amending section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education, and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council Members.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100055 [Initiative Ordinance - Budget Line Item for Police Department Dignitary Security - June 8, 2010, Election]**Sponsors: Mirkarimi; Campos**

Motion ordering submitted to the voters an ordinance requiring the City's annual budget to include an appropriation for the Police Department's expenditures on security for City officials and dignitaries at an election to be held on June 8, 2010.

Motion No. M10-36

Supervisor Campos requested to be added as a co-sponsor.

APPROVED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 3 - Chu, Duffy, Elsbernd

Excused: 1 - Alioto-Pier

100056 [Declaration of Policy - Cannabis Regulation and Control - June 8, 2010, Election]**Sponsors: Mirkarimi; Campos**

Motion ordering submitted to the voters a declaration of policy regarding the regulation of the cultivation and sale of cannabis at an election to be held on June 8, 2010.

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Mirkarimi Excused from Voting

Supervisor Maxwell, seconded by Supervisor Duffy, moved that Supervisor Mirkarimi be excused from voting on File No. 100186. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

100186 [Appointment to San Francisco LAFCO - Supervisor Ross Mirkarimi]

Motion appointing Supervisor Ross Mirkarimi, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

Motion No. M10-37**APPROVED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Supervisor Elsbernd Excused from Voting

Supervisor Campos, seconded by Supervisor Mirkarimi, moved that Supervisor Elsbernd be excused from voting on File No. 100187. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Elsbernd

100187 [Appointment to Peninsula Corridor Joint Powers Board - Supervisor Sean Elsbernd]

Motion appointing Supervisor Sean Elsbernd, term ending June 30, 2012, to the Peninsula Corridor Joint Powers Board. (Clerk of the Board)

Motion No. M10-38

APPROVED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Elsbernd

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**Privilege of the Floor**

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Maxwell introduced, welcomed, and presented Certificates of Honor to De'Monique Carrol (Visitation Valley Boys and Girls Club) and Jacquelyn Fuller (Willie Mays Boys and Girls Club of Bayview Hunters Point) in recognition of their accomplishments and continued community support.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
David Pilpel; spoke expressed concerns relating to MTA layoffs.
Emil Lawrence; expressed various concerns.
Male Speaker; expressed various religious concerns.
Walter Paulson; shared in song certain concerns with the Board.
Zachery Running-Wolf; spoke expressed concerns relating to sit/lie legislation.
Slum Jack; spoke expressing concerns relating to social justice.
Christopher Dahl; spoke expressing concerns relating to seismic upgrades.
Male Speaker; spoke expressing concerns relating to SF Public Library.
Peter Warfield; expressed concerns relating to the SF Public Library.
Richard McRee; expressed concerns relating to technology, inventions and patents.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100212 [Plan for Bicycle Facilities at Certain Dangerous Intersections and Street Segments]

Sponsors: Daly; Campos

Resolution calling upon the Municipal Transportation Agency to commence study and planning for bicycle facilities around the intersections of Market, Polk, Oak and 10th Street, and of Howard, South Van Ness, 13th Street and Division, and along Division, 13th Street and Duboce from Folsom to Valencia.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100214 [Commending Brooks Orpik]

Sponsors: Chu; Duffy and Campos

Resolution commending Brooks Orpik for representing San Francisco in the 2010 Winter Olympics.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100215 [Urging the State Legislature and San Francisco's State Legislative Delegation to Permit the Continued Sale of Rice-Based Noodles]

Sponsors: Chiu; Campos

Resolution urging the State Legislature and San Francisco's State Legislative Delegation to permit the continued sale of rice-based noodles.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that File No. 100211 be severed so that it may be considered separately.

100211 [Potrero Branch Library Reopening]

Sponsors: Maxwell; Campos

Resolution recognizing the Grand Reopening of the Potrero Branch Library and commending the San Francisco Public Library, residents of the Potrero, the Department of Public Works, and their team, for their hard work and commitment to San Francisco and its residents.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Mirkarimi requested that File No. 100213 be severed so that it may be considered separately.

100213 [Urging Further Collaboration to Improve the 2010 Bay to Breakers]

Sponsor: Mirkarimi

Resolution commending the improvements made to the 2009 Bay to Breakers and urging the race sponsors to further collaborate with City agencies, neighborhoods, and race advocates to develop plans that will minimize adverse impacts on affected neighborhoods while including floats and non-running participants and ensuring the long-term financial and logistical success of the race.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Elsbernd requested that File No. 100216 be severed so that it may be considered separately.

100216 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 8, 2010, Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 8, 2010, Election. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Motion be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

(Clerk of the Board)

Motion No. M10-39

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100223 [Supporting the Statewide Action for Public Education Day - March 4, 2010]

Sponsors: Avalos; Dufty and Mirkarimi

Resolution expressing support for the March 4, 2010, Day of Statewide Action in recognition of public education as a basic human right.

Supervisors Dufty and Mirkarimi requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

100174 [Approval of Mental Health Services Act Innovation Work Plan]

Resolution authorizing adoption of the Mental Health Services Act Innovation Work Plan and modification of Contract No. 07-77338-000 to include this Plan in the agreement. (Public Health Department)

02/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100175 [Approval of Mental Health Services Act FY2010-2011 Annual Plan Update]

Resolution authorizing adoption of the Mental Health Services Act FY2010-2011 Plan Update for the Community Services and Support, Prevention and Early Intervention, and Workforce Education and Training and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement. (Public Health Department)

02/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100176 [Approve a Lease with the Federal Express Corporation at Building 900]

Resolution approving and authorizing the execution of Lease No. 09-0280 with Federal Express Corporation for cargo warehouse and support office space to be occupied by Federal Express Corporation in Building 900 at San Francisco International Airport. (Airport Commission)

02/17/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100177 [Real Property Lease Amendment - One Market Plaza]

Resolution approving a lease at One Market Plaza, for the Department of Emergency Management under Administrative Code Section 23.27. (Real Estate Department)

02/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:00 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 9, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAR 11 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Avalos, seconded by Supervisor Mar, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of January 26, 2010, February 2, 2010, and February 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100059 [Appropriating \$3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, and placing \$406,665, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, on Budget and Finance Committee Reserve.

(Fiscal Impact.)

FINALLY PASSED

100099 [Appropriating \$1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]

Sponsors: Mar; Daly

Ordinance appropriating \$1,233,664 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

FINALLY PASSED

100134 [Health Service System Plans and Contribution Rates]

Sponsor: Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

FINALLY PASSED

100219 [Accept and Expend Grant - State Energy Program - \$2,993,029]

Sponsor: Mayor

Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act funds from the U.S. Department of Energy's State Energy Program, disbursed through the California Energy Commission's California Comprehensive Residential Building Retrofit Program, in the amount of \$ 2,993,029.

ADOPTED

100167 [Agreement to Purchase Two Access Road Easements Over Portions of APN 016-002-014 Located in Stanislaus County]

Resolution approving and authorizing an agreement for the purchase of two permanent access road easements totaling 1.07 acres over portions of Assessor's Parcel No. 016-002-014 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of \$2,900; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

100209 [Accept and Expend Grant - American Recovery and Reinvestment Act - \$2,080,000]

Sponsors: Mayor; Duffy and Mar

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$2,080,000 from the California Energy Commission's State Energy Program, to provide financial assistance for GreenFinanceSF, the City's municipal financing program for energy and water retrofits of privately-owned buildings.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

100210 [Accept Grant - American Recovery and Reinvestment Act - \$875,957]

Sponsor: Mayor

Resolution authorizing the Department of the Environment to accept a grant in the amount of \$875,957 from the California Energy Commission's State Energy Program, through the Association of Bay Area Governments, for the deployment of energy efficiency projects in the City.

ADOPTED

Recommendation of the Government Audit and Oversight Committee**100139 [Budget and Legislative Analyst Audit of the Alemany Farmers' Market]**

Sponsor: Maxwell

Motion directing the Budget and Legislative Analyst to conduct an audit of the Alemany Farmers' Market and the Real Estate Department in its capacity as operator of the market.

Motion No. M10-40

APPROVED

Recommendation of the Land Use and Economic Development Committee**091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

FINALLY PASSED

Recommendation of the Public Safety Committee**100100 [Accept and Expend Grant - Department of Juvenile Probation - \$150,000]**

Sponsor: Maxwell

Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of \$150,000 from the The Zellerbach Family Foundation to support the Department of Juvenile Probation's ongoing efforts in organizational and leadership development, in developing and implementing evidence based practices, and in strengthening partnerships with community based organizations.

ADOPTED

Recommendations of the Rules Committee**091370 [Determining Surviving Spouse Status for Retirement Purposes]**

Sponsor: Elsbernd

Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.

FINALLY PASSED

091435 [Child Care Planning and Advisory Council Membership]

Sponsor: Chiu

Ordinance amending San Francisco Administrative Code by amending Section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education, and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council Members.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]

Sponsor: Chiu

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Fiscal Impact.)

Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED on Page 65, Line 13, replacing 'Polk' with 'Mason.' The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Chu, Elsbernd

Excused: 1 - Alioto-Pier

091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**Sponsors: Mar; Avalos**

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81; adding Sections 1009.26, 1009.27, and 1009.29-1009.32; and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

Privilege of the floor was granted to Dr. Mitch Katz, Director of the Department of Public Health, who provided an overview.

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Board of Supervisors Sitting as a Committee of the Whole**100234 [Committee of the Whole - Just Cause Eviction Protections for Residential Tenants in Properties Subject to Foreclosure Which Adds to the Definition of "Foreclosure" and Includes New Noticing Requirements]**

Hearing of persons interested in or objecting to new amendments to proposed Ordinance relating to just cause eviction protections for residential tenants in properties subject to foreclosure which adds to the definition of "foreclosure" and includes new noticing requirements. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating the amendments to the just cause eviction legislation referenced in File No. 100039. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

From the Board**100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]****Sponsors: Avalos; Campos, Mirkarimi and Mar**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED on Page 45, Line 13, after 'evicted,' by adding 'by the person or entity who took title through foreclosure (see Section 37.9D(a))' and on Page 45, Line 15, after 'Chapter 37;' by adding 'or at the end of the tenant's existing lease, whichever occurs later.' The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

NEW BUSINESS**Recommendations of the Budget and Finance Committee****100113 [Private Ambulance Regulatory Fee Payments]****Sponsor: Avalos**

Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)

Supervisor Avalos requested to be added as sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100105 [Approval of Contract for Uncompensated Reimbursement Recovery Services for the Department of Public Health - \$16,570,000]

Resolution authorizing the San Francisco Department of Public Health to amend its contract with Health Advocates, LLC to provide uncompensated reimbursement recovery services for the term of April 1, 2006, through December 31, 2013, in the amount of \$16,570,000. (Public Health Department)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100141 [Declaring the City's Intention to Appropriate Available Rainy Day Reserve Funds to the San Francisco Unified School District]

Sponsors: Mayor; Dufty, Chiu and Mar

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2010-2011 school year.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee**100023 [Requiring that Census Workers be Allowed Access to Residential Hotels to Engage in Census Activities]**

Sponsors: Mirkarimi; Mar and Campos

Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to add a new goal to the Uniform Visitor Policy and any Supplemental Visitor Policies to ensure that census workers engaged in census activities are allowed access to Residential Hotels, and requesting the Rent Board to amend the Uniform Visitor Policy to incorporate this addition.

Supervisors Mar and Campos requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100160 [Appropriating \$400,000 of Revenues From the Little Hollywood Property Exchange to Fund Park and Open Space Planning in the City Planning Commission for FY2009-2010]**Sponsor: Maxwell**

Ordinance appropriating \$400,000 of revenues from the transfer of a 50-foot by 628-foot strip of Channel Street on the southwest side of 7th Street owned by the City and County of San Francisco, in exchange for 35,250 square feet of land at the southwest corner of Tocoloma and Lathrop Avenues owned by Norcal Waste Systems, Inc. for park and open space planning in the Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Program in the City Planning Commission, the Recreation and Park Department, and the Department of Public Works for FY2009-2010.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 3 - Avalos, Campos, Daly

Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee**091113 [Seismic Strengthening of Soft-Story, Wood-Frame Buildings]****Sponsors: Mayor; Campos**

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

(Economic Impact.)

*Supervisor Campos requested to be added as a co-sponsor.***PASSED, ON FIRST READING** by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091406 [Street Encroachment at 1 Webster Street]**Sponsor: Dufty**

Ordinance granting revocable permission to Cross Cultural Family Center, Inc., to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block No. 0874, Lot No. 014); waiving the annual right-of-way occupancy assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]**Sponsor: Dufty**

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Public Safety Committee**100020 [Penalties for Assaulting or Battering a Patrol Special Officer]****Sponsor: Dufty**

Resolution encouraging the Chief of the San Francisco Police Department to consider imposition of increased potential penalties for individuals who commit assault or battery on a patrol special police officer.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**Privilege of the Floor**

Supervisor Chu, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Merle Goldstone in recognition of her years of service upon her retirement and her continued community support. Supervisors Dufty, Chiu, Mirkarimi and Mar spoke joining in this presentation.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Steven Gong in recognition of their 30 year anniversary, the accomplishments, and continued community support of the Center for Asian American Media. Supervisor Chiu spoke joining in this presentation.

COMMITTEE REPORTS

Recommendation of the City Operations and Neighborhood Services Committee

100205 [Accept and Expend Grant - FY2009 Federal Interoperable Emergency Communications Program - \$1,370,063]

Sponsor: Chu

Resolution authorizing the Department of Emergency Management, as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to accept and expend retroactively a FY2009 Interoperable Emergency Communications Program Grant award in the amount of \$1,370,063 from the United States Department of Homeland Security, through the California Emergency Management Agency, for the period June 1, 2009, to February 28, 2011.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Emil Lawrence; expressed various concerns.

Lois Roberts; expressed concerns relating to lost articles.

Walter Paulson; shared in song certain concerns with the Board.

Male Speaker; expressed concerns relating to inspection rates and process.

Christopher Dahl; expressed concerns relating to the City Charter.

Gray Harrison; shared experiences with recent incident at Bayview Hunter's Point community meeting.

Female Speaker; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.

Female Speaker; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.

Roger Scott; expressed concerns relating to shipyard property.

Alex Torino; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.

Jay Crawford; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.

Male Speaker; shared experiences with recent incident at Bayview Hunter's Point community meeting.

Nancy Cross; expressed concerns relating to second hand smoke.

Helen Jensen; shared experiences with recent incident at Bayview Hunter's Point community meeting.

Male Speaker; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.

Male Speaker; expressed various religious concerns.

Eric Brooks; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.

Male Speaker; shared experiences with recent incident at Bayview Hunter's Point community meeting.

Ron Stutts; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.

Rebecca Reese; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.

Richard McRee; expressed concerns relating to technology, inventions and patents.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100236 [Supporting the March to Sacramento to Protect Public Higher Education in California - March 22, 2010]

Sponsors: Avalos; Mar and Campos

Resolution supporting the March 22, 2010, "March in March IV" Sacramento to protect and promote public higher education in California and to urge State government officials to work together on FY2010-2011 budget that does not include cuts to public education and student fee increases.

Supervisors Mar and Campos requested to be added as co-sponsors.

ADOPTED

100237 [Extending the Life of Western SoMa Citizens Planning Task Force]**Sponsor: Daly**

Resolution extending the life of the Western SoMa Citizens Planning Task Force.

ADOPTED

100238 [Endorsing the California Democracy Act]**Sponsors: Mar; Avalos, Mirkarimi and Campos**

Resolution endorsing the California Democracy Act and supporting the campaign to ensure its passage in 2010.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100239 [Supporting Senate Bill 438 Regarding Charter Schools]**Sponsors: Mar; Campos**

Resolution supporting Senate Bill 438 to ensure all charter schools adhere to the states student speech and employee protection laws.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100241 [Support of Institutional Financial Aid for Students Affected by the Provision of Assembly Bill 540]**Sponsors: Mar; Campos**

Resolution supporting institutional financial aid for students affected by the provision of Assembly Bill 540.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100242 [Call for the Federal Government to Release California Gray Whale Population Research Findings and Fund Assessment]**Sponsors: Mirkarimi; Campos**Resolution calling on the Federal Government to make California Gray Whale (*Eschrichtius Robustus*) population research findings immediately available and to fund the National Marine & Fisheries Service to assess the major threats to the California Gray Whale.*Supervisor Campos requested to be added as a co-sponsor.*

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 100240 be severed so that it may be considered separately.

100240 [Supporting Senate Bill 330 Regarding University of California]

Sponsor: Mar

Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems.

REFERRED to the City Operations and Neighborhood Services Committee

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**PROPOSED ORDINANCES****100178 [Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - \$25,750]**

Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc. against the City and County of San Francisco for \$25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney)

02/23/10; RECEIVED AND ASSIGNED to Rules Committee.

100179 [Settlement of Lawsuit - Vincente V. Vista - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001, entitled Vista v. City and County of San Francisco, et al. (City Attorney)

02/23/10; RECEIVED AND ASSIGNED to Rules Committee.

100180 [Settlement of Lawsuit - Thomas Barnes - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney)

02/25/10; RECEIVED AND ASSIGNED to Rules Committee.

100181 [Settlement of Lawsuit - Elbert Harris - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for \$100,000, plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney)

02/25/10; RECEIVED AND ASSIGNED to Rules Committee.

100182 [Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]

Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney)

02/25/10; RECEIVED AND ASSIGNED to Rules Committee.

100246 [Permits the Bureau of Delinquent Revenue to Assign Accounts Receivable with a Value of \$10,000 or Less to a Collection Agency]

Ordinance amending Section 10.39-1 of the Administrative Code to increase the cap on accounts receivable that the Bureau of Delinquent Revenue may assign to a collection agency from \$4,000 to accounts with a fair market value of \$10,000. (Treasurer-Tax Collector)

02/25/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/8/2010.

**100247 [Additional Penalty for Underreporting Tax by Twenty-five Percent or More]
Sponsor: Mayor**

Ordinance amending Section 6.17-2 of the Business and Tax Regulations Code by adding an additional "substantial underreporting" penalty equal to fifty percent of the unreported tax for underreporting a tax liability by twenty-five percent or more.

02/25/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/8/2010.

100248 [Creation of General Reserve and Budget Stabilization Reserve]

Ordinance amending the San Francisco Administrative Code by adding Section 10.60, to adopt a binding financial policy under Charter Section 9.120 creating a General Reserve and a Budget Stabilization Reserve and providing rules for deposits to and withdrawals from such funds. (Controller)

03/01/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/8/2010.

100251 [Contract with AT&T for City Telecommunications Services - \$75,000,000]

Ordinance approving a contract with AT&T for the purchase of telecommunications services and equipment for a maximum cost of \$75,000,000, for a four and one-half year term beginning on March 1, 2010. (Department of Technology)

03/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

100183 [Approve a Lease with the U.S. Government for Space to be Occupied by the U.S. Drug Enforcement Administration at Terminal 3 of the Airport]

Resolution approving and authorizing the execution of Lease No. 10-0015 with the U.S. Government for office space to be occupied by the U.S. Drug Enforcement Administration, a Federal agency, in Terminal 3 at San Francisco International Airport. (Airport Commission)

02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100184 [Airport Concession Lease]

Resolution approving Amendment No. 3 to the Clear Channel Outdoor, Inc. Lease Agreement, for the Airport Advertising Program at San Francisco International Airport Lease No. 00-0408 between Clear Channel Outdoor, Inc., dba Clear Channel Airports and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

02/24/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100185 [Airport Lease and Operating Agreement]

Resolution approving the exercise of the fourth of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

02/24/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100249 [Settlement of Unlitigated Claim – Marlon Miranda - \$75,000]

Resolution approving the settlement of the unlitigated claim filed by Marlon Miranda against the City and County of San Francisco for \$75,000; claim was filed on June 18, 2009. (City Attorney)

03/01/10; RECEIVED AND ASSIGNED to Rules Committee.

100250 [Settlement of Unlitigated Claim – Thelma Jefferson - \$200,000]

Resolution approving the settlement of the unlitigated claim filed by Thelma Jefferson against the City and County of San Francisco for \$200,000; claim was filed on September 28, 2009. (City Attorney)

03/01/10; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:22 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 16, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAR 18 2010

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PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar and Sophie Maxwell

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Alioto-Pier and Mirkarimi were noted absent. There was a quorum.

Supervisors Alioto-Pier and Mirkarimi Excused from Voting

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that Supervisors Alioto-Pier and Mirkarimi be excused from voting. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of February 23, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

100113 [Private Ambulance Regulatory Fee Payments]

Sponsor: Avalos

Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

100207 [Accept and Expend Grant - Homeless Health and Wellness Training - \$108,600]

Sponsor: Duffy

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$108,600 from the San Francisco Community Clinic Consortium, to assist with a project entitled "Homeless Health and Wellness Training" for the period of March 27, 2009, through March 26, 2011.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

100023 [Requiring that Census Workers be Allowed Access to Residential Hotels to Engage in Census Activities]

Sponsors: Mirkarimi; Mar, Campos and Chiu

Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to add a new goal to the Uniform Visitor Policy and any Supplemental Visitor Policies to ensure that census workers engaged in census activities are allowed access to Residential Hotels, and requesting the Rent Board to amend the Uniform Visitor Policy to incorporate this addition.

Ordinance No. 48-10

Supervisor Chiu requested to be added as a co-sponsor.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee**091113 [Seismic Strengthening of Soft-Story, Wood-Frame Buildings]****Sponsors: Mayor; Campos and Chiu**

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

(Economic Impact.)

Supervisor Chiu requested to be added as a co-sponsor.

FINALLY PASSED

091406 [Street Encroachment at 1 Webster Street]**Sponsor: Dufty**

Ordinance granting revocable permission to Cross Cultural Family Center, Inc., to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block No. 0874, Lot No. 014); waiving the annual right-of-way occupancy assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED

100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]**Sponsor: Dufty**

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

FINALLY PASSED

Recommendations of the Rules Committee**100068 [Settlement of Lawsuit - Marjorie Flores - \$57,500]**

Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for \$57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100069 [Settlement of Lawsuit - Yee Mei Hung - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for \$50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100085 [Settlement of Unlitigated Claim - Patricia Geary - \$80,000]

Resolution approving the settlement of the unlitigated claim filed by Patricia Geary against the City and County of San Francisco for \$80,000; claim was filed on September 16, 2009. (City Attorney)

ADOPTED

100118 [Settlement of Claim - Elisa Gill - \$50,000]

Resolution approving the settlement of Equal Employment and Opportunity Commission Charge No. 550-2009-00090, filed by Elisa Gill on October 28, 2008, against the San Francisco Public Utilities Commission, for \$50,000. (City Attorney)

ADOPTED

100166 [Settlement of Unlitigated Claim - Larkfield, Inc. - \$49,500]

Resolution approving the settlement of the unlitigated claim filed by Larkfield, Inc., against the City and County San Francisco for \$49,500; claim was filed on September 2, 2009. (City Attorney)

ADOPTED

100193 [Appointment, Sunshine Ordinance Task Force - Bruce Wolfe]

Motion appointing Bruce Wolfe, term ending April 27, 2010, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Motion No. M10-41

APPROVED

100194 [Appointments, Eastern Neighborhood Citizens Advisory Committee - Cynthia Scully and Matthias Mormino]

Motion appointing Cynthia Scully, term ending October 19, 2013, and Matthias Mormino, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

Motion No. M10-42

APPROVED

100195 [Appointment, Children and Families First Commission - Twila Brown]

Motion appointing Twila Brown, for an indefinite term, to the Children and Families First Commission. (Clerk of the Board)

Motion No. M10-43

APPROVED

100196 [Appointments, Sweatfree Procurement Advisory Group - Jason Oringer and Sarah Church]

Motion appointing Jason Oringer and Sarah Church, terms ending December 17, 2011, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

Motion No. M10-44

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendation of the Budget and Finance Committee**091344 [Redevelopment Agency Bond Authorization - \$28,000,000]****Sponsors: Mayor; Avalos**

Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to March 23, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendation of the Government Audit and Oversight Committee**100160 [Appropriating \$400,000 of Revenues From the Little Hollywood Property Exchange to Fund Park and Open Space Planning in the City Planning Commission for FY2009-2010]****Sponsor: Maxwell**

Ordinance appropriating \$400,000 of revenues from the transfer of a 50-foot by 628-foot strip of Channel Street on the southwest side of 7th Street owned by the City and County of San Francisco, in exchange for 35,250 square feet of land at the southwest corner of Tocoloma and Lathrop Avenues owned by Norcal Waste Systems, Inc. for park and open space planning in the Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Program in the City Planning Commission, the Recreation and Park Department, and the Department of Public Works for FY2009-2010.

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell

Noes: 3 - Avalos, Campos, Daly

Excused: 2 - Alioto-Pier, Mirkarimi

100196 [Appointments, Sweatfree Procurement Advisory Group - Jason Oringer and Sarah Church]

Motion appointing Jason Oringer and Sarah Church, terms ending December 17, 2011, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

Motion No. M10-44

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendation of the Budget and Finance Committee**091344 [Redevelopment Agency Bond Authorization - \$28,000,000]****Sponsors: Mayor; Avalos**

Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to March 23, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendation of the Government Audit and Oversight Committee**100160 [Appropriating \$400,000 of Revenues From the Little Hollywood Property Exchange to Fund Park and Open Space Planning in the City Planning Commission for FY2009-2010]****Sponsor: Maxwell**

Ordinance appropriating \$400,000 of revenues from the transfer of a 50-foot by 628-foot strip of Channel Street on the southwest side of 7th Street owned by the City and County of San Francisco, in exchange for 35,250 square feet of land at the southwest corner of Tocoloma and Lathrop Avenues owned by Norcal Waste Systems, Inc. for park and open space planning in the Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Program in the City Planning Commission, the Recreation and Park Department, and the Department of Public Works for FY2009-2010.

FINALLY PASSED by the following vote:

Ayes: 6 - Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell

Noes: 3 - Avalos, Campos, Daly

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendations of the Land Use and Economic Development Committee**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]****Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Fiscal Impact.)

Supervisor Mar requested to be added as a co-sponsor.

Supervisor Chiu, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 1 - Daly

Excused: 2 - Alioto-Pier, Mirkarimi

091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**Sponsors: Mar; Avalos**

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81; adding Sections 1009.26, 1009.27, and 1009.29-1009.32; and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

NEW BUSINESS

Recommendation of the Budget and Finance Committee

100044 [Repealing Various Municipal Transportation Agency Special Funds; Appropriating \$70,687]

Sponsor: Chiu

Ordinance amending Chapter 8 and Chapter 10, Article XIII, of the Administrative Code by repealing sections 8.29 (Municipal Railway Video Production Fund), 10.100-155 (Municipal Transportation Capital Reserve Fund), 10.100-157 (Municipal Transportation Improvement Fund), 10.100-159 (Municipal Transportation Information Fund), 10.100-162 (Municipal Transportation Operators Lounge Facilities Fund), and 10.100-164 (Municipal Transportation Para Transit Fund) and appropriating \$70,687 from the Municipal Transportation Information Fund to the Municipal Transportation Agency.

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee

100098 [Establishment of the Rainbow Honor Walk]

Sponsors: Duffy; Campos

Resolution establishing the Rainbow Honor Walk on Castro Street between 19th Street and Market Street, on Market Street between Castro Street and Octavia Street, on 19th Street between Diamond Street and Castro Street, on 18th Street between Collingwood Street and Hartford Street and initiating the process set forth in Public Works Code Sections 789 et seq. to provide for the creation of a program for and installation of commemorative plaques on the Rainbow Honor Walk.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

100136 [Floodplain Management Program]

Sponsor: Elsbernd

Ordinance amending the floodplain management program established by Chapter 2A, Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; providing requirements for designating floodplains and for construction and development in floodplains.

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Sandy Mori of the Kimochi Inc. Japanese Community Center in recognition of her accomplishments and continued community support.

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Hank Plant, acclaimed reporter, in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

Supervisor Chu Excused from Voting

Supervisor Elsbernd, seconded by Supervisor Campos, moved to excuse Supervisor Chu on File Nos. 100151, 100152, 100153, and 100154. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

100151 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2462 - 27th Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 16, 2009, Case No. 2009.0797E, that a project located at 2462 - 27th Avenue is exempt from environmental review under the California Environmental Quality Act (CEQA) as a Class 1(e) categorical exemption. The proposal would add a third floor and rear extension to the existing family home located in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District, in Assessor's Block No. 2399, Lot No. 026. (District 4) (Appellant: Stephen M. Williams on behalf of Sunset Parkside Education and Action Committee (SPEAK)).

The President inquired as to whether any member of the public wished to address the Board relating to the appeal of determination of exemption from environmental review for 2462 - 27th Avenue as referenced in File Nos. 100152, 100153, and 100154. There were no speakers. The President continued the public hearing open to April 27, 2010.

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

100152 [Affirming the Determination of Exemption Issued for 2462-27th Avenue]

Motion adopting findings related to affirming the determination by the Planning Department that the project located at 2462-27th Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

100153 [Reversing the Determination of Exemption Issued for the 2462-27th Avenue Project]

Motion reversing the determination by the Planning Department that the project located at 2462-27th Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

100154 [Preparation of Findings Related to the Determination of Exemption Issued for 2462-27th Avenue Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of determination of exemption by the Planning Department that the project located at 2462-27th Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell

Excused: 3 - Alioto-Pier, Chu, Mirkarimi

Absent: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.

James Chaffee; expressed concerns relating to the SF Public Library.

Walter Paulson; shared in song certain concerns with the Board.

Christopher Dahl; expressed various concerns.

Richard McRee; expressed concerns relating to technology, inventions and patents.

Drew Corey, expressed concerns relating to current budget deficit.

Francisco Da Costa, expressed various concerns.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

100284 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

Motion No. M10-47

Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

The Board recessed at the hour of 3:03 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Persons in attendance:

Buck Delventhal, Deputy City Attorney

Elizabeth Salvesson, Deputy City Attorney

Greg Wagner, Chief of the Mayor's Budget and Policy Office

Micki Callahan, Director of Department of Human Resources

Martin Gran, Director of Employee Relations

Ben Rosenfield, Controller

Angela Calvillo, Clerk of the Board

Supervisor Daly was noted absent at 3:15 p.m.

Matter was heard in Closed Session and Filed.

Reconvening of the Board

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell

The Board at the hour of 4:09 p.m. reconvened.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Dufty, seconded by Supervisor Maxwell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Absent: 1 - Daly

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100283 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]

Sponsor: Chiu

Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

Motion No. M10-45

APPROVED

100274 [Commemorating the 75th Anniversary of the Works Progress Administration]

Sponsors: Mar; Avalos and Campos

Resolution commemorating the 75th anniversary of the Works Progress Administration on April 10, 2010.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100275 [Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation]

Sponsors: Mar and Campos

Resolution Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100276 [Commending the Alice Fong Yu Chinese Immersion Alternative School Exchange Program]

Sponsors: Mar; Elsbernd and Campos

Resolution Commending the Exchange Program between the Experimental High School Attached to Beijing Normal University and the Alice Fong Yu Chinese Immersion Alternative School in San Francisco.

Supervisors Elsbernd and Campos requested to be added as co-sponsors.

ADOPTED

100278 [Supporting California Senate Bill 1225 Regarding Child Care Facilities]**Sponsors: Avalos; Dufty, Mar and Campos**

Resolution supporting Senate Bill 1225 which would extend until 2016 the subsidy program that allows San Francisco child care facilities to serve children from low-income families.

Supervisors Mar and Campos requested to be added as co-sponsors.

ADOPTED

100279 [Accept and Expend Gift – Recreation and Park Department – \$15,000]**Sponsor: Chu**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift in the amount of \$15,000 to cover the staff overtime cost associated with the August 4th and 5th 2009 Maccabi Games volunteer event.

ADOPTED

100280 [Urging the Governor of California to Approve the Transit Assistance Funding Package]

Sponsors: Mayor; Chiu, Dufty, Avalos, Elsbernd, Mirkarimi, Mar, Maxwell, Campos and Chu
Resolution urging the Governor of California to sign the transit assistance funding package as approved by the California State Legislature on March 4, 2010.

Resolution No. 75-10

ADOPTED

100281 [Declaring March 23, 2010, as Gordon Park Li Day]**Sponsors: Dufty; Chiu, Elsbernd and Campos**

Resolution congratulating Mr. Gordon Park Li, on his outstanding career and thanking him for his exceptional service to the City of County of San Francisco over the past 37 years and declaring March 23, 2010, as Gordon Park Li Day in the City and County of San Francisco.

Supervisors Chiu, Elsbernd, and Campos requested to be added as co-sponsors.

ADOPTED

100258 [Final Map 5649: 445 – 701 Wawona Street]

Motion approving Final Map 5649, a Three Lot Subdivision Project, located at 445 - 701 Wawona Street being a subdivision of Lot 093 in Assessors Block No. 2540 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

Motion No. M10-46

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that File No. 100282 be severed so that it may be considered separately.

- 100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**
Sponsors: Mirkarimi; Maxwell, Mar, Avalos and Campos
Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers".

Supervisors Maxwell, Mar, Avalos, and Campos requested to be added as co-sponsors.

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Resolution be CONTINUED to March 23, 2010. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**PROPOSED RESOLUTIONS**

- 100298 [Freeway Maintenance Agreement for the Interchange at Highway 101 and 280]**
Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the interchange at Highway 101 and 280 and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

03/01/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

- 100299 [Freeway Maintenance Agreement for the Bay Bridge Anchorage Security Measures]**
Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the San Francisco-Oakland Bay Bridge Beale Street anchorage security measures and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

03/01/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100301 [Approve Limit on Indemnification Liability of Prospective Consultant]

Resolution approving proposed limit on indemnification liability of prospective construction management consultant for the proposed Calaveras Dam Replacement Project, pursuant to Administrative Code Section 6.42(C). (Public Utilities Commission)

03/08/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:21 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 23, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Duffy, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Duffy

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

GOVERNMENT
DOCUMENTS DEPT

MAR 25 2010

SAN FRANCISCO
PUBLIC LIBRARY

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100044 [Repealing Various Municipal Transportation Agency Special Funds; Appropriating \$70,687]

Sponsor: Chiu

Ordinance amending Chapter 8 and Chapter 10, Article XIII, of the Administrative Code, by repealing Sections 8.29 (Municipal Railway Video Production Fund), 10.100-155 (Municipal Transportation Capital Reserve Fund), 10.100-157 (Municipal Transportation Improvement Fund), 10.100-159 (Municipal Transportation Information Fund), 10.100-162 (Municipal Transportation Operators Lounge Facilities Fund), and 10.100-164 (Municipal Transportation Para Transit Fund) and appropriating \$70,687 from the Municipal Transportation Information Fund to the Municipal Transportation Agency.

FINALLY PASSED

100174 [Approval of Mental Health Services Act Innovation Work Plan]**Sponsor: Mirkarimi**

Resolution authorizing adoption of the Mental Health Services Act Innovation Work Plan and modification of Contract No. 07-77338-000 to include this Plan in the agreement. (Public Health Department)

ADOPTED**100175 [Approval of Mental Health Services Act FY2010-2011 Annual Plan Update]****Sponsor: Mirkarimi**

Resolution authorizing adoption of the Mental Health Services Act FY2010-2011 Plan Update for the Community Services and Support, Prevention and Early Intervention, and Workforce Education and Training and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement. (Public Health Department)

ADOPTED**100176 [Approval of a Lease with the Federal Express Corporation at San Francisco International Airport]**

Resolution approving and authorizing the execution of Lease No. 09-0280 with Federal Express Corporation for cargo warehouse and support office space to be occupied by Federal Express Corporation in Building 900 at San Francisco International Airport. (Airport Commission)

ADOPTED**Recommendation of the Land Use and Economic Development Committee****100136 [Floodplain Management Program]****Sponsor: Elsbernd**

Ordinance amending the floodplain management program established by Chapter 2A, Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; providing requirements for designating floodplains and for construction and development in floodplains.

FINALLY PASSED**Recommendations of the Rules Committee****100068 [Settlement of Lawsuit - Marjorie Flores - \$57,500]**

Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for \$57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100069 [Settlement of Lawsuit - Yee Mei Hung - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for \$50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Budget and Finance Committee****091344 [Redevelopment Agency Bond Authorization - \$28,000,000]**

Sponsors: Mayor; Avalos

Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

NEW BUSINESS**Recommendations of the Budget and Finance Committee****100228 [Redevelopment Agency Budget FY2009-2010]**

Sponsor: Avalos

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2009-2010 by increasing the Agency's tax increment bond proceeds by \$28,000,000 and authorizing expenditures in an amount not to exceed \$28,800,000 for payment to the Supplemental Educational Revenue Augmentation Fund.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100045 [Increasing Real Estate Recordation Fee]**Sponsor: Chiu**

Ordinance amending Section 8.24-5 of the Administrative Code to increase the recordation fee to \$3.00 from \$2.00 for recording real estate instruments, and authorizing the Controller to adjust the fee upon notice from the District Attorney, to become operative on its effective date or July 1, 2009, whichever is later, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100080 [Repealing the Department of Technology Cash Revolving Fund]

Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100208 [Accept and Expend Grant - American Recovery and Reinvestment Act and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$750,635]**Sponsors: Mayor; Dufty**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$750,635 from the Federal Department of Energy's Solar America Initiative to remove barriers to the deployment of solar technologies in San Francisco by addressing the lack of financing options for solar power installations and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100232 [Accept and Expend Grant – Supported Employment Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$166,981.50]**Sponsor: Mirkarimi**

Ordinance authorizing the Office of the Public Defender to retroactively accept and expend a grant in the amount of \$166,981.50 from the Metta Fund Foundation to implement a Supported Employment Program to assist Public Defender clients with mental illness in securing competitive employment, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect addition of one (1) grant-funded position (0.25 FTE) in Class 2910 Social Worker at the Office of the Public Defender.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100168 [Wastewater Revenue Bonds Issuance and Sale - Not to Exceed \$282,400,000]**Sponsor: Dufty**

Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100169 [Wastewater Revenue Bonds Issuance - Not to Exceed \$282,400,000]**Sponsor: Dufty**

Resolution approving the issuance of not to exceed \$282,400,000 in aggregate principal amount of wastewater revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the wastewater revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100177 [Real Property Lease Amendment - One Market Plaza]

Resolution approving, retroactively, a lease at One Market Plaza, for the Department of Emergency Management under Administrative Code Section 23.27. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100263 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds - \$5,000,000]**Sponsor: Elsbernd**

Resolution authorizing the Department of Public Works to file an application seeking state Section 190 Grade Separation funds, in the amount of \$5,000,000 from the California Department of Transportation for the reconstruction of the Jerrold Avenue railroad bridge grade separation and to enter into a Memorandum of Understanding to pass through the funds to the Peninsula Corridor Joint Powers Board.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be **CONTINUED** to March 30, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee**091475 [General Plan Amendment - Market and Octavia Area Plan]****Sponsor: Mirkarimi**

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

091209 [Interim Zoning Controls for the Bayshore Corridor]**Sponsors: Maxwell; Campos and Dufty**

Resolution imposing interim zoning controls to require Conditional Use authorization for all projects that involve: (1) establishment of a formula retail use; (2) new retail uses that are 25,000 gross square feet or larger; and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, on all properties on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway; specifying criteria to be applied in the evaluation of a conditional use permit application, in addition to the criteria listed in Section 303 of the Planning Code; and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100266 [Urging the Department of Technology to Respond to Google's Request for Information with a Proposal that Allows the City to Maintain Control Over Fiber Networks]**Sponsor: Chiu**

Resolution urging the City and County of San Francisco's Department of Technology to respond to Google, Inc.'s Request for Information with a proposal to build a fiber network in San Francisco that is consistent with the City's core value of maintaining control over fiber infrastructure deployed in the City.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendations of the Public Safety Committee

- 100112 [Dispatch Services in the Program for Additional Police Department Services]**
Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4 and 10B.5 including dispatch services provided by the Department of Emergency Management in the program for additional Police Department services. (Department of Emergency Management)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

- 100043 [Potential Health Impacts of Wireless Facilities]**

Sponsors: Campos; Avalos, Chu and Mar

Resolution urging the U.S. Environmental Protection Agency to study the health impacts of wireless facilities and, if appropriate, to establish a safe level of exposure to radiofrequency radiation emissions; urging the Federal Communications Commission to update its existing standards; and urging the California Congressional Delegation to introduce federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Gordon Park Li in recognition of his outstanding career and thanking him for his exceptional service to the City and County of San Francisco over the past 37 years, upon his retirement.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Male Speaker; expressed various religious concerns.

Female Speaker; expressed various concerns.

Walter Paulson; shared in song certain concerns with the Board.

Christopher Dahl; spoke relating to tobacco and cessation.

Elizabeth Bell; expressed concerns relating to unemployment.

Camilia Correa; expressed concerns relating to unemployment.

Richard McRee; expressed concerns relating to technology, inventions and patents.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100343 [Accept and Expend Grant - Clinical and Transnational Science Institute - \$56,019]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$56,019 from the Public Health Foundation Enterprises, Inc. to assist with a project entitled "Clinical and Transnational Science Institute" for the period of September 29, 2009, through September 28, 2011.

ADOPTED

100346 [Supporting Reauthorization of San Francisco Unified School District's Mello-Roos Community Facilities District on the June 8, 2010, Ballot]

Sponsors: Chiu; Mar

Resolution supporting the San Francisco Unified School District's proposal to reauthorize its Mello-Roos Community Facilities District Assessment on the June 8, 2010, Ballot.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

100347 [Recognizing the Bay Area Air Quality Management District]

Sponsor: Mar

Resolution recognizing the Bay Area Air Quality Management for their support of San Francisco's efforts to promote environmentally preferable garment cleaning technologies among local dry cleaners.

ADOPTED

100348 [Accept and Expend Grant - Youth Stewardship Program - \$20,000]

Sponsor: Avalos

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant in the amount of \$20,000 to support the San Francisco Recreation and Park Department Youth Stewardship Program for FY2009-2010.

ADOPTED

100344 [Committee of the Whole – Hearing on the Submission of a Design-Build Application to the California State Public Works Board]**Sponsor: Maxwell**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 30, 2010, at 3:00 p.m. to hold a public hearing on the Redevelopment Agency submission of a Design-Build application to the California State Public Works Board.

Motion No. M10-48**APPROVED****100345 [Committee of the Whole – Hearing on the Expenditure of Tax Increment Funds for Certain Streetscape Improvements in the Bayview Hunter's Point Redevelopment Project Area]****Sponsor: Maxwell**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 30, 2010, at 3:00 p.m. to hold a public hearing on the expenditure of tax increment funds, by the Redevelopment Agency, for a set of City owned streetscape improvements of the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

Motion No. M10-49**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 10 – Mirkarimi, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 1 - Alioto-Pier

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to rescind the previous vote to exclude File No. 100282. The motion carried by the following vote:

Ayes: 10 – Mirkarimi, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 1 - Alioto-Pier

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that File No. 100282 be severed so that it may be considered separately.

100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Dufty**

Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers".

Supervisor Dufty requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100366 [Celebrating Nowruz, the Persian New Year]

Sponsor: Mirkarimi

Resolution recognizing and appreciating the cultural contributions of Persian culture to modern society on the occasion of the celebration of Nowruz, the Persian New Year.

The President inquired as to whether any member of the public wished to address the Board relating to Celebrating Nowruz as referenced in File No. 100366. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

100310 [Airport Concession – Terminal 2 Book Store Lease with Books, Inc.]

Resolution approving the Terminal 2 Book Store Lease between Books, Inc. (Compass Books, Inc.) and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100311 [Airport Concession – Amendment to Paster Retail/Duty Free Concession Lease No. 99-0035 with DFS Group, L.P.]

Resolution approving Amendment No. 8 to the Post-Security Master Retail/Duty Free Concession Lease No. 99-0035 between DFS Group, L.P., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100312 [Airport Concession – Terminal 2 Gourmet Market and Wine Bar Lease with D-Lew Enterprise, LLC]

Resolution approving a Terminal 2 Gourmet Market and Wine Bar Lease between D-Lew Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100313 [Airport Concession – Terminal 2 Quick Serve Lease with BJ Annex, LLC]

Resolution approving the Terminal 2 Quick Serve Lease, between BJ Annex, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100314 [Airport Concession – Terminal 2 Cocktail Lounge Lease with HBF Soto JV, LLC]

Resolution approving the Terminal 2 Cocktail Lounge Lease between HBF Soto JV, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100315 [Airport Concession – Terminal 2 Specialty Store Lease with Charles Chocolates, Inc.]

Resolution approving the Terminal 2 Specialty Store Lease between Charles Chocolates, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100316 [Airport Concession – Terminal 2 Quick Serve Lease with Sankaku, Inc.]

Resolution approving the Terminal 2 Quick Serve Lease between Sankaku, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100317 [Airport Concession – Terminal 2 Sit-Down Restaurant Lease with D-Lew Enterprises, LLC]

Resolution approving a Terminal 2 Sit-Down Restaurant Lease between D-Lew Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100318 [Airport Concession – Terminal 2 Bakery and Coffee Facilities Lease with Gotham Enterprises, LLC]

Resolution approving a Terminal 2 Bakery and Coffee Facilities Lease between Gotham Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100319 [Airport Concession – Terminal 2 Quick Serve Lease with Andale Management Group, Inc.]

Resolution approving the Terminal 2 Quick Serve Lease, between Andale Management Group, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100320 [Airport Concession – Terminal 2 Quick Serve Lease with HBF Soto JV, LLC]

Resolution approving the Terminal 2 Quick Serve Lease, between HBF Soto JV, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100321 [Airport Concession – Terminal 2 and 3 Electronics and Technology Stores Lease with Edge 1 Cellular, L.P.]

Resolution approving the Electronics and Technology Stores in Terminal 2 and Terminal 3 Lease, between Edge 1 Cellular, L.P. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Board of Supervisors.

100322 [Airport Concession – Terminal 2 Spa Lease with XpresSpa SF International, Inc.]

Resolution approving the Terminal 2 Spa Lease between XpresSpa SF International, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100325 [Approving Sixth Modification to Water Supply Contract]

Resolution approving Sixth Modification to water supply contract (Contract No. EY-76-C-03-0269), between the City and County of San Francisco and the Department of Energy, pursuant to Charter Section 9.118. (Public Utilities Commission)

03/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:39 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 30, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

APR - 1 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 2, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100045 [Increasing Real Estate Recordation Fee]

Sponsor: Chiu

Ordinance amending Section 8.24-5 of the Administrative Code to increase the recordation fee to \$3.00 from \$2.00 for recording real estate instruments, and authorizing the Controller to adjust the fee upon notice from the District Attorney, to become operative on its effective date or July 1, 2009, whichever is later, and making environmental findings.

FINALLY PASSED

100080 [Repealing the Department of Technology Cash Revolving Fund]

Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)

FINALLY PASSED

100168 [Wastewater Revenue Bonds Issuance and Sale - Not to Exceed \$282,400,000]

Sponsor: Dufty

Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

FINALLY PASSED

100208 [Accept and Expend Grant - American Recovery and Reinvestment Act and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$750,635]

Sponsors: Mayor; Dufty

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$750,635 from the Federal Department of Energy's Solar America Initiative to remove barriers to the deployment of solar technologies in San Francisco by addressing the lack of financing options for solar power installations and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

FINALLY PASSED

100232 [Accept and Expend Grant – Supported Employment Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$166,981.50]

Sponsor: Mirkarimi

Ordinance authorizing the Office of the Public Defender to retroactively accept and expend a grant in the amount of \$166,981.50 from the Metta Fund Foundation to implement a Supported Employment Program to assist Public Defender clients with mental illness in securing competitive employment, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect addition of one (1) grant-funded position (0.25 FTE) in Class 2910 Social Worker at the Office of the Public Defender.

FINALLY PASSED

100183 [Lease with the U.S. Government for Office Space for the U.S. Drug Enforcement Administration at the Airport]

Resolution approving and authorizing the execution of Lease No. 10-0015 with the U.S. Government for office space to be occupied by the U.S. Drug Enforcement Administration, a Federal agency, in Terminal 3 at San Francisco International Airport. (Airport Commission)

ADOPTED

100271 [Accept and Expend Grant - U.S. Department of Justice 2009 Community Oriented Policing Services Technology Initiative for the Expansion of a Gunshot Location System Project - \$1,000,000]

Sponsor: Mayor

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$1,000,000 from the U.S. Department of Justice Office of Community Oriented Policing Services for expansion of a gunshot location system project.

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee

100229 [Accept and Expend Grant – Ogden Terrace Community Garden Landscape - \$88,000]

Sponsor: Campos

Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at \$88,000 from the San Francisco Conservation Corps, to replace landscape retaining walls and steps at Ogden Terrace Community Garden.

ADOPTED

100230 [Accept and Expend Grant - San Francisco Vaccine and Prevention Unit - \$47,759]
Sponsors: Chu; Mar

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$47,759 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "San Francisco Vaccine and Prevention Unit" for the period of January 1, 2010, through August 31, 2011.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

100336 [Accept and Expend Grant – American Recovery and Reinvestment Act of 2009 Department of Energy Weatherization Assistance Program – \$2,581,152]

Sponsors: Mayor; Mar

Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act Weatherization Assistance Program funds from the U.S. Department of Energy, disbursed by the State of California's Department of Community Services and Development, in the amount of \$2,581,152.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

Recommendation of the Public Safety Committee**100112 [Dispatch Services in the Program for Additional Police Department Services]**

Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4, and 10B.5, including dispatch services provided by the Department of Emergency Management, in the program for additional Police Department services. (Department of Emergency Management)

FINALLY PASSED

Recommendations of the Rules Committee**100178 [Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - \$25,750]**

Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc., against the City and County of San Francisco for \$25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100179 [Settlement of Lawsuit - Vincente V. Vista - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001; entitled Vista v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100180 [Settlement of Lawsuit - Thomas Barnes - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100181 [Settlement of Lawsuit - Elbert Harris - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for \$100,000 plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

- 100182 [Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]**
Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney)
PASSED, ON FIRST READING
- 100249 [Settlement of Unlitigated Claim – Marlon Miranda - \$75,000]**
Resolution approving the settlement of the unlitigated claim filed by Marlon Miranda against the City and County of San Francisco for \$75,000; claim was filed on June 18, 2009. (City Attorney)
ADOPTED
- 100250 [Settlement of Unlitigated Claim – Thelma Jefferson - \$200,000]**
Resolution approving the settlement of the unlitigated claim filed by Thelma Jefferson against the City and County of San Francisco for \$200,000; claim was filed on September 28, 2009. (City Attorney)
ADOPTED
- 100259 [Appointments, Pedestrian Safety Advisory Committee - Catherine Liddell, Pi Ra, Richard Rothman, Mari Hunter, Howard Strassner, Dahianna Lopez and Paul Supawanich]**
Motion appointing Catherine Liddell, Pi Ra, Richard Rothman, Mari Hunter, Howard Strassner, Dahianna Lopez and Paul Supawanich, terms ending March 28, 2011, and March 28, 2012, to the Pedestrian Safety Advisory Committee, residency requirement waived. (Clerk of the Board)
Motion No. M10-50
APPROVED
- 100260 [Appointments, In-Home Supportive Services Public Authority - Patricia Webb, Elva Hernandez, Kelly Dearman, James Illig, Tatiana Kostanian and Ethel Richardson]**
Motion appointing Patricia Webb, Elva Hernandez, Kelly Dearman, James Illig, Tatiana Kostanian and Ethel Richardson, terms ending March 1, 2013, to the In-Home Supportive Services Public Authority. (Clerk of the Board)
Motion No. M10-51
APPROVED
- 100261 [Appointment, Urban Forestry Council - Rose Hillson]**
Motion appointing Rose Hillson, term ending November 18, 2010, to the Urban Forestry Council. (Clerk of the Board)
Motion No. M10-52
APPROVED

100262 [Removal of Tommy Escarcega from the Reentry Council]**Sponsor: Campos**

Motion removing Tommy Escarcega from the Reentry Council.

Motion No. M10-53

APPROVED

100293 [Appointments, Shelter Monitoring Committee - Mary Howe and Robert Weber]

Motion appointing Mary Howe and Robert Weber, terms ending November 23, 2010, to the Shelter Monitoring Committee, residency requirement waived. (Clerk of the Board)

Motion No. M10-54

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the Consent Agenda

Supervisors Daly and Duffy requested that File No. 091475 be severed so that it may be considered separately.

Recommendation of the Land Use and Economic Development Committee**Supervisors Daly and Duffy Excused from Voting**

Supervisor Campos, seconded by Supervisor Elsbernd, moved that Supervisors Daly and Duffy be excused from voting on File No. 091475. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Daly, Duffy

091475 [General Plan Amendment - Market and Octavia Area Plan]**Sponsor: Mirkarimi**

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 3 - Alioto-Pier, Daly, Duffy

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

100263 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds - \$5,000,000]

Sponsor: Elsbernd

Resolution authorizing the Department of Public Works to file an application seeking state Section 190 Grade Separation funds, in the amount of \$5,000,000 from the California Department of Transportation for the reconstruction of the Jerrold Avenue railroad bridge grade separation and to enter into a Memorandum of Understanding to pass through the funds to the Peninsula Corridor Joint Powers Board.

Resolution No. 98-10

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100206 [Appropriating \$157,500 of General Fund Reserve for a Loan to the Community Center Project of San Francisco in the City Administrator's Budget for FY2009-2010]

Sponsors: Dufty; Campos

Ordinance appropriating \$157,500 of General Fund Reserve for a loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, in the City Administrator's Budget for FY2009-2010.

(Fiscal Impact.)

(Supervisor Elsbernd dissented in Committee.)

Privilege of the floor was granted to Rebecca Rolfe, LGBT Center Executive Director, and Roberto Ordeñana, LGBT Center Director of Community Development, who provided an overview of the organization and future plans for the LGBT Center as referenced in File Nos. 100206 and 100133.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

Excused: 1 - Alioto-Pier

100133 [Loan to the Community Center Project of San Francisco, Inc., at 1800 Market Street - \$157,500]**Sponsors: Duffy; Campos**

Resolution authorizing the City to make a \$157,500 loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, located at 1800 Market Street, and authorizing actions in the furtherance of this Resolution.

See File No. 100133.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

Excused: 1 - Alioto-Pier

100277 [Reallocation of Grant - Capital Projects in Golden Gate Park - \$2,067,663]**Sponsor: Mar**

Resolution authorizing the reallocation of \$2,067,663 in Proposition 40 grant funds among two capital projects in Golden Gate Park.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Rules Committee**091444 [Creating an Energy Efficiency Steering Committee]****Sponsors: Mar; Campos and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Article II to Chapter 5, Sections 5.2-1 through 5.2-8, to: (1) create an Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects; (2) provide for the Committee's membership, organization, and duties; and (3) set a sunset date for the Committee.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100375 [Committee of the Whole - Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**

Hearing of persons interested in or objecting to proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to proposed resolution regarding streetscape improvements as referenced in File No. 100374. Lila Hussain (Redevelopment Agency) provided an overview of the project. Male Speaker spoke expressing various concerns. Francisco Da Costa spoke expressing various concerns. Female Speaker spoke expressing support for the project. Male Speaker spoke expressing various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation**100374 [Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**

Sponsor: Maxwell

Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100380 [Committee of the Whole - Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**

Hearing of persons interested in or objecting to proposed Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunters Point Shipyard Redevelopment Project Area. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to proposed resolution regarding Community Facilities Demonstration Project as referenced in File No. 100334. Anne Taupier (Office of Economic and Workforce Development) and Guillermo Rodriguez (City Build) provided an overview of the project. Francisco Da Costa spoke expressing various concerns. May Isom spoke in support of the project. Marsha Daly spoke in support of the project. Pastor Jessiah spoke in support of the project. Male Speaker spoke in support of the project. Male Speaker spoke expressing various concerns. Walter Paulson shared in song certain concerns with the project. Richard McRee spoke expressing concerns relating to architectural design. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation**100334 [Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**

Sponsor: Maxwell

Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunters Point Shipyard Redevelopment Project Area.

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED on Page 3, Lines 23-24, replacing 'Clerk of the Board of Supervisors in File No. 12-2009' with 'Secretary of the Agency Commission in File No. 15-2009.' The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Avalos, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Privilege of the Floor was granted to Kay Gulbengay (San Francisco Commission on the Status of Women) who provided an overview of the Commission and commended the Members of Board of Supervisors for their continued support.

Supervisor Avalos introduced, welcomed and presented a Certificate of Honor to Maria Bernardita Herrera in recognition of Women's History Month.

Supervisor Maxwell introduced, welcomed and presented Certificates of Honor to La Shon Walker and Louise Winterstein in recognition of Women's History Month.

Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Mujeres Unidas y Activas in recognition of Women's History Month, in English and Spanish.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Judy Grossman in recognition of Women's History Month.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Celine Kennelly in recognition of Women's History Month.

Supervisor Daly introduced, welcomed and presented Certificates of Honor to Rachel Paras and the staff of Oasis for Girls in recognition of Women's History Month.

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Karen Crommie in recognition of Women's History Month.

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Lorri Ungaretti in recognition of Women's History Month.

Supervisor Chiu introduced, welcomed and presented a Certificate of Honor to Chang Jok Lee in recognition of Women's History Month.

Supervisor Chu, on behalf of Supervisor Alioto-Pier, introduced, welcomed and presented Certificates of Honor to Gail Goldyne and Chief Joanne Hayes-White in recognition of Women's History Month.

Supervisor Mar introduced, welcomed and presented a Certificate of Honor to Hene Kelly in recognition of Women's History Month.

Starr Terrell, on behalf of the Mayor, introduced, welcomed and presented a Certificate of Honor to Tangerine Brigham in recognition of Women's History Month.

COMMITTEE REPORTS

Recommendations of the Land Use and Economic Development Committee

091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]

Sponsors: Chiu; Mar

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811, and 812, to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Mason Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure of four or more units without prior authorization by the Planning Commission; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]

Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Duffy

Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers."

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Peter Warfield; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various concerns.
Christopher Dahl; expressed various concerns.
Edmund Juicy; expressed various concerns.
John DiDonna; expressed various concerns.
Jay Bradshaw; expressed concerns relating to non-union contractors.
Mr. Rodriguez; expressed concerns relating to non-union contractors in English and Spanish.
Israel; expressed concerns relating to non-union contractors in English and Spanish.
Salvador Lopez; expressed concerns relating to non-union contractors in English and Spanish.
Brandon Sherron; expressed concerns relating to non-union contractors.
Emil Lawrence; expressed various concerns.
Cindy Ruiz; expressed concerns relating to the public library and social programs.
Female Speaker; expressed concerns relating to literacy programs.
Rudolfo Meyer; expressed concerns relating to social programs.
Melanie Shinn; expressed concerns relating to the public library and social programs.
Mary Mbugua; expressed concerns relating to domestic violence and support for literacy programs.
Female Speaker; expressed concerns relating to literacy and immigration reform.
Female Speaker; expressed concerns relating to fossil fuels and support for green energy.
Irene De La Rosa; expressed concerns relating to HIV/Aids awareness.
Marisa Hemenez; expressed concerns relating to obesity and diabetes awareness.
Irene Espericueta; expressed concerns relating to immigration reform.
Female Speaker; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.
Male Speaker; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.
Nour Chammas; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.
Homed Nader; expressed concerns relating to recent comments of the Police Chief regarding terrorism.
Boktar; expressed concerns relating to the recent comments of the Police Chief regarding terrorism.
Mohammad Abdullah; expressed concerns relating to racism of the Muslim community.
Jimmy Shamia; expressed concerns relating to the recent comments of the Police Chief regarding the middle eastern community.
Brandon Burke; expressed concerns relating to proposed MUNI reductions.
Walter Paulson; shared in song certain concerns with the Board.
Richard McRee; expressed concerns relating to technology, inventions and patents.
David Pilpel; spoke in support of proposed motion to reject MUNI fare changes.
Francisco Da Costa, expressed various concerns.
Adrian Simi; expressed support for union workers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**100376 [Congratulating Assemblymember Fiona Ma]****Sponsors: Mirkarimi; Chiu, Dufty and Mar**

Resolution congratulating Assemblymember Fiona Ma on her appointment as Speaker pro Tempore of the California State Assembly.

*Supervisors Dufty and Mar requested to be added as co-sponsors.***ADOPTED****100378 [Commending Speaker Nancy Pelosi for Her Work on Health Care Reform]****Sponsors: Mayor; Chiu, Maxwell, Alioto-Pier, Chu, Dufty, Mar, Elsbernd, Mirkarimi, Daly, Campos and Avalos**

Resolution commending Speaker of the House of Representatives Nancy Pelosi for her courage as a champion for historic health care reform in the United States.

ADOPTED**100379 [Supporting Senate Bill 4 Banning Smoking at State Parks and Beaches]****Sponsor: Mar**

Resolution supporting Senate Bill 4 Banning Smoking at State Parks and Beaches.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda*Supervisor Avalos requested that File No. 100377 be severed so that it may be considered separately.***100377 [Rejecting the San Francisco Municipal Transportation Agency's Proposed Fare Changes to Create New Premium Monthly MUNI Passes]****Sponsors: Mirkarimi; Chiu, Campos, Dufty and Mar**

Motion rejecting the San Francisco Municipal Transportation Agency's proposed fare changes to create Premium Monthly San Francisco Municipal Railway Passes for express bus routes and cable cars.

Motion No. M10-55*Supervisor Mar requested to be added as a co-sponsor.***APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

- 100400 [Waiver of Temporary Street Space Occupancy Fee on May 15, 2010, for Small Business Week Sidewalk Sale]**
Sponsors: Mirkarimi; Chiu and Chu
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 15, 2010, as part of Small Business Week.
03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

- 100397 [Accept and Expend Grant – Pesticide Reduction - \$49,971]**
Sponsor: Chu
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$49,971 from the US Environmental Protection Agency Office of Pesticide Reduction to create guidelines on building design and retrofit features that will prevent pest infestations, specifically with regards to existing and future green building reference standards.
03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.
- 100398 [Accept and Expend Grant - AIDS Office Space Renovation - \$9,508,907]**
Sponsors: Mayor; Duffy
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the National Institutes of Health (NIH) in the amount of \$9,508,907 to fund the AIDS Office Space Renovation; for the period March 4, 2010, through March 3, 2015.
03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100399 [Acumen Fiscal Agent LLC - Contract Modification for the Jobs Now Program - \$19,995,000]**Sponsor: Mayor**

Resolution approving the emergency declaration to modify the contract between the City and County of San Francisco and Acumen Fiscal Agent LLC, to provide private employer based wage subsidy reimbursements under the City's Jobs Now program for qualified Jobs Now participants during the period of March 25, 2010, to June 30, 2011, in the additional amount of \$10,000,000 for a total modified contract amount of \$19,995,000.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100401 [Accept and Expend Grant – Bio-Rad Clinical Trial - \$159,876]**Sponsor: Duffy**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Bio-Rad Laboratories in the amount of \$159,876 to fund the Bio-Rad Clinical Trial project; for the period of February 1, 2010 through June 30, 2010.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100402 [Accept and Expend Grant –China MSM Technical Assistance- \$52,803]**Sponsor: Duffy**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$52,803 from the Public Health Foundation Enterprises, Inc. to assist with a project entitled "China MSM Technical Assistance;" for the period of January 1, 2010, through December 31, 2010.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100403 [Accept and Expend Grant – Medical Monitoring Project- \$401,770]**Sponsor: Duffy**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of \$401,770 to support a project entitled, "Medical Monitoring Project;" for the period of June 1, 2010, through May 31, 2011.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100408 [MUNI Youth Lifeline Discount Pass]**Sponsors: Mirkarimi; Maxwell, Chiu and Duffy**

Resolution requesting the San Francisco Municipal Transportation Agency create a Youth Lifeline Discount Fast Pass for qualified low-income youth.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100409 [Intent to Install a Commemorative Plaque at 575 Castro Street Recognizing Harvey Milk]**Sponsors: Duffy; Campos and Mirkarimi**

Resolution to provide for the installation of a second plaque at 575 Castro Street, the location of Harvey Milk's former camera shop in the Castro Neighborhood, to identify his significant contributions to San Francisco and to the Lesbian, Gay, Bisexual, and Transgender community.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100410 [Accept and Expend Grant - Pesticide Use Reporting - \$2,880]**Sponsor: Chu**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$2,880 from California Department of Pesticide Regulation to assist with a project entitled "Pesticide Use Reporting," for the period of July 1, 2010 through June 30, 2011.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100411 [Supporting Senate Bill 677 Human Trafficking Bill]**Sponsor: Chu**

Resolution supporting Senate Bill 677 Human Trafficking Bill, allowing courts to seize any property used in the commission of human trafficking and add civil penalties.

100412 [Supporting Senate Bill 1108 Regarding Annual Small Business Participation Goal for State Funded Contracts]**Sponsor: Chiu**

Resolution supporting Senate Bill 1108 to codify Governor Schwarzenegger's Executive Order S-02-06 to ensure that the state continues to meet or exceed the 25 percent overall annual small business participation goal for state-funded contracts.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100413 [Declaring Mondays as Vegetarian Day]**Sponsor: Maxwell**

Resolution declaring Mondays as "Vegetarian Day" to urge all restaurants, grocery stores, and schools to offer a variety of plant based options to improve the health of San Francisco residents.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100414 [Commending San Francisco Businesses That Use Only Cage-Free Eggs]**Sponsor: Maxwell**

Resolution commending businesses in San Francisco that use only Cage-Free Eggs, and encouraging all businesses to join them in going Cage-Free.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings**100404 [Potrero Power Plant Closure]****Sponsor: Maxwell**

Hearing on the status of the closure of Mirant Corporation's Potrero Power Plant.

03/30/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100405 [Human Services Agency, Municipal Transit Agency, and the Recreation and Parks Department Budget Hearing and Review, FY 2010-2011]**Sponsor: Avalos**

Hearing on the proposed FY2010-2011 budget of the Human Services Agency, Municipal Transit Agency, and the Recreation and Parks Department and on the impact of potential cuts to City services and programs on neighborhoods in Districts 6, 8, 9, 10, and 11.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100406 [Implementation of Laura's Law - Funding Treatment for Persons with Severe Mental Illness]**Sponsor: Alioto-Pier**

Hearing to review the assisted outpatient treatment for persons with severe mental illness and "Laura's Law" implementation.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100407 [Risks of Using Metal Bats in High School Baseball]**Sponsor: Alioto-Pier**

Hearing regarding the risks associated with the use of metal bats in organized high school baseball.

03/30/10; RECEIVED AND ASSIGNED to Public Safety Committee.

PROPOSED RESOLUTIONS

100349 [Lease of Real Property – 1390 Market Street]

Resolution authorizing the exercise of a five year option to extend the lease of approximately 9,397 square feet of space at 1390 Market Street for the Department of Children, Youth and their Families. (Real Estate Department)

03/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100350 [Authorizing the Sheriff's Department to amend its contract with ARAMARK Correctional Services, LLC (formally known as ARAMARK Correctional Services, Inc.) for Jail Food Services – Not to Exceed \$27,000,000]

Resolution authorizing the Sheriff's Department to enter into a Third Amendment to the Agreement between the City and County and ARAMARK Correctional Services, LLC (ARAMARK), to increase the contract amount from \$24,000,000 to an amount not to exceed \$27,000,000 and to extend the contract term to June 30, 2011. (Sheriff)

03/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:10 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

GOVERNMENT
DOCUMENT DEPT

Tuesday, April 6, 2010 - 2:00 PM

APR 08 2010

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of March 9, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

100185 [Airport Lease and Operating Agreement]

Resolution approving the exercise of the fourth of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

ADOPTED

Recommendations of the Land Use and Economic Development Committee**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]****Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811, and 812, to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Mason Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure of four or more units without prior authorization by the Planning Commission; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Fiscal Impact.)

FINALLY PASSED**100231 [Accept and Expend Grant - Buena Vista Park Project, Phase II - \$115,025]****Sponsor: Dufty**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant for the Buena Vista Park Project, Phase II, in the amount of \$115,025 available under the Federal Land and Water Conservation Fund Program administered by the California Department of Parks and Recreation under the provisions of the Land and Water Conservation Fund Act of 1965.

ADOPTED

Recommendations of the Rules Committee**091444 [Creating an Energy Efficiency Steering Committee]****Sponsors: Mar; Campos and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Article II to Chapter 5, Sections 5.2-1 through 5.2-8, to: (1) create an Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects; (2) provide for the Committee's membership, organization, and duties; and (3) set a sunset date for the Committee.

FINALLY PASSED**100178 [Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - \$25,750]**

Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc., against the City and County of San Francisco for \$25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED**100179 [Settlement of Lawsuit - Vincente V. Vista - \$35,000]**

Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001; entitled Vista v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED**100180 [Settlement of Lawsuit - Thomas Barnes - \$135,000]**

Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED**100181 [Settlement of Lawsuit - Elbert Harris - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for \$100,000 plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

- 100182 [Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]**
Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

- 100206 [Appropriating \$157,500 of General Fund Reserve for a Loan to the Community Center Project of San Francisco in the City Administrator's Budget for FY2009-2010]**
Sponsors: Dufty; Campos
Ordinance appropriating \$157,500 of General Fund Reserve for a loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, in the City Administrator's Budget for FY2009-2010.
(Fiscal Impact.)
(Supervisor Elsbernd dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100269 [Approving Commercial Paper Reimbursement Agreement and Dealer Agreements]

Sponsor: Mayor

Resolution of the City and County of San Francisco approving the form of Reimbursement Agreement or Reimbursement Agreements and the form of Dealer Agreement in connection with its Tax-Exempt and Taxable Lease Revenue Commercial Paper Certificates of Participation, authorizing the execution and delivery of one or more of such Reimbursement Agreement and the execution and delivery of one or more Dealer Agreements and authorizing other related actions. (Fiscal Impact.)

(Supervisor Mirkarimi dissented in Committee.)

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Noes: 1 - Mirkarimi

Excused: 1 - Alioto-Pier

100329 [Off-Site Budget and Finance Committee Meeting on April 14, 2010, 4:00 p.m. at Horace Mann Middle School]

Sponsor: Avalos

Motion ordering the April 14, 2010, meeting of the Budget and Finance Committee be held at Horace Mann Middle School, 3351 - 23rd Street, auditorium in the Mission district of San Francisco; and ordering a meeting of the full Board of Supervisors be convened for the same date, time, and place should a quorum of the full Board be present.

Motion No. M10-55

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100368 [Off-Site Budget and Finance Committee Meeting on April 21, 2010, 4:00 p.m. at the Hall of Flowers]

Sponsor: Avalos

Motion ordering the April 21, 2010, meeting of the Budget and Finance Committee be held at the Hall of Flowers, 9th Avenue at Lincoln Way, in the Inner Sunset district of San Francisco; and ordering a meeting of the full Board of Supervisors be convened for the same date, time, and place should a quorum of the full Board be present.

Motion No. M10-56

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee**091476 [Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]**

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase, decrease, or retain the heights of certain parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing or decreasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets) and decreasing heights on two parcels at the corner of Guerrero and Duboce Streets (also known as Assessors block and lot numbers 3501004 and 3501003); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100093 [Housing Code – Residential Hotel Notice Posting Requirement]

Sponsors: Campos; Chiu and Maxwell

Ordinance amending the San Francisco Housing Code by amending Section 1002 to add subsection (f) requiring residential hotel owners/operators to post a notice advising hotel occupants that they may telephone the City's Customer Service Center at 311 to report alleged violations of the Housing Code; adopting findings, including environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

100102 [Requiring the Development and Maintenance of Stormwater Management Controls]

Sponsors: Mayor; Maxwell, Mar, Chiu and Duffy

Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, Sections 140 - 149.4, and adding Article 4.2, Sections 147 - 147.6, requiring the development and maintenance of stormwater management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

Supervisor Duffy requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

See Imperative Item, File No. 100425 below.

COMMITTEE REPORTS

Recommendations of the Rules Committee

100303 [Reappointment, Small Business Commission – Luke O'Brien]

Motion approving the Mayor's reappointment of Luke O'Brien to the Small Business Commission, for the term ending January 6, 2014. (Clerk of the Board)
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - March 12, 2010.)

Motion No. M10-57

APPROVED by the following vote:

Ayes: 6 - Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 4 - Avalos, Campos, Daly, Mirkarimi

Excused: 1 - Alioto-Pier

100305 [Reappointment, Small Business Commission – Richard Ventura]

Motion approving the Mayor's reappointment of Richard Ventura to the Small Business Commission, for the term ending January 6, 2014. (Clerk of the Board)

Motion No. M10-58

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100307 [Reappointment, Juvenile Probation Commission – Dirk Beijen]

Motion approving the Mayor's reappointment of Dirk Beijen to the Juvenile Probation Commission, for the term ending January 14, 2014. (Clerk of the Board)

Motion No. M10-59

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100308 [Reappointment, Juvenile Probation Commission – Dirk Beijen]

Motion rejecting the Mayor's reappointment of Dirk Beijen to the Juvenile Probation Commission, for the term ending January 14, 2014. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Land Use and Economic Development Committee

091453 [Planning Code Amendment – Green Landscaping Ordinance]

Sponsors: Mayor; Chu, Dufty, Mar and Maxwell

Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for "vehicle use area," "ornamental fencing," and "permeable surface;" amending the Public Works Code Sections 805, 806 and 807 to create requirements for the establishment of new street trees, replacement of dead street trees, and removal of street trees and adding Section 802.1 to define climate appropriate standards for plantings in the public right-of-way; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.

James Chaffee; expressed concerns relating to the SF Public Library.

Phillip Gary; spoke in support of meat free and cage-free egg legislation.

Hope Kelly; spoke in support of meat free and cage-free egg legislation.

Female Speaker; spoke in support of meat free and cage-free egg legislation.

Richard McRee; expressed concerns relating to technology, inventions and patents.

Christopher Dahl; expressed concerns relating to redevelopment of Treasure Island.

Walker Phillips; spoke in support of meat free and cage-free egg legislation.

Dave Morman; expressed various concerns.

David Spencer; spoke in support of meat free and cage-free egg legislation.

Laura Beck; spoke in support of meat free and cage-free egg legislation.

Abigail Wick; spoke in support of meat free and cage-free egg legislation.

Colleen Holland; spoke in support of meat free and cage-free egg legislation.

Female Speaker; expressed various concerns.

Walter Paulson; shared in song certain concerns with the Board.

Emil Lawrence; expressed various concerns.

Male Speaker; spoke in support of meat free and cage-free egg legislation.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Daly was noted absent at 3:09 p.m.

100402 [Accept and Expend Grant - China MSM Technical Assistance - \$52,803]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$52,803 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "China MSM Technical Assistance" for the period of January 1, 2010, through December 31, 2010.

ADOPTED

100409 [Intent to Install a Commemorative Plaque at 575 Castro Street Recognizing Harvey Milk]

Sponsors: Dufty; Campos, Mirkarimi and Chiu

Resolution to provide for the installation of a second plaque at 575 Castro Street, the location of Harvey Milk's former camera shop in the Castro Neighborhood, to identify his significant contributions to San Francisco and to the Lesbian, Gay, Bisexual, and Transgender Community.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED

100410 [Accept and Expend Grant - Pesticide Use Reporting - \$2,880]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$2,880 from California Department of Pesticide Regulation to assist with a project entitled "Pesticide Use Reporting" for the period of July 1, 2010, through June 30, 2011.

ADOPTED

100411 [Supporting Senate Bill 677 Regarding Human Trafficking]

Sponsors: Chu; Chiu

Resolution supporting Senate Bill 677 regarding Human Trafficking, allowing courts to seize any property used in the commission of human trafficking and adding civil penalties.

ADOPTED

100412 [Supporting Senate Bill 1108 Regarding Annual Small Business Participation Goal for State Funded Contracts]

Sponsor: Chiu

Resolution supporting Senate Bill 1108 to codify Governor Schwarzenegger's Executive Order S-02-06 to ensure that the State continues to meet or exceed the 25 percent overall annual small business participation goal for state funded contracts.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Absent: 1 - Daly

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mirkarimi requested that File No. 100408 be severed so that it may be considered separately.

100408 [MUNI Youth Lifeline Discount Pass]

Sponsors: Mirkarimi; Maxwell, Chiu, Duffy and Mar

Resolution requesting the San Francisco Municipal Transportation Agency to create a Youth Lifeline Discount Fast Pass for qualified low-income youth.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Absent: 1 - Daly

Supervisor Maxwell requested that File Nos. 100413 and 100414 be severed so that they may be considered separately.

100413 [Meat-Free Mondays]

Sponsors: Maxwell; Mar

Resolution declaring every Monday as "Vegetarian Day" to urge all restaurants, grocery stores, and schools to offer a variety of plant based options to improve the health of San Francisco residents.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Absent: 1 - Daly

100414 [Commending San Francisco Businesses that Use Only Cage-Free Eggs]

Sponsors: Maxwell; Mar

Resolution commending businesses in San Francisco that use only cage-free eggs, and encouraging all businesses to join them in going cage-free.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Absent: 1 - Daly

IMPERATIVE AGENDA

Supervisor Daly was noted present at 3:20 p.m.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Daly, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Daly, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100425 [Declaring April 6, 2010, as Laura Spanjian Day in the City and County of San Francisco]

Sponsor: Dufty

Resolution declaring April 6, 2010, as Laura Spanjian Day in the City and County of San Francisco and congratulating Laura Spanjian for her service and dedication to the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to Laura Spanjian Day referenced in File No. 100425. Ed Harrington, General Manager of the San Francisco Public Utilities Commission, shared in congratulating Laura for her service to the City and County of San Francisco. Abdullah Megaheed, shared in congratulating Laura for her dedication. There were no other speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

100351 [Airport 2011 Lease and Use Agreements with Various Airlines]

Resolution approving a term of twenty five (25) new Lease and Use Agreements between the City and County of San Francisco and various airlines, effective July 1, 2011, to allow such airlines to conduct domestic and international flight operations at the San Francisco International Airport. (Airport Commission)

03/31/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100352 [Airline and Airport Lease and Use Agreement Modifications and Lease and Operating Agreement Modifications with Various Airlines]

Resolution approving modifications to the terms of eight (8) Airline and Airport Lease and Use Agreements and eleven (11) Lease and Operating Agreements between the City and County of San Francisco and various airlines to allow such airlines to modify the rental of terminal space and modify the terms of one (1) Airline and Airport Lease and Use Agreement to allow for early termination of said Lease and Use Agreement. (Airport Commission)

03/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100386 [Approval to Award Restaurant Lease between the Port of San Francisco and D & G Company, LLC, Doing Business as Lou's Pier 47]

Resolution approving Port Commission Restaurant Lease No. L-14630 with D & G Company, LLC, doing business as Lou's Pier 47, for certain real property at 300 Jefferson Street located in Fisherman's Wharf in the City and County of San Francisco for a term of fifteen and one half (15 1/2) years, plus a five (5) year extension option. (Port)

02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100387 [Contract Amendment with G4S Justice Services, LLC, for Electronic Monitoring Services - Not to Exceed \$1,425,000]

Resolution authorizing the Sheriff's Department to enter into a First Amendment to the Agreement between the City and County and G4S Justice Services, LLC, (formerly known as G4S Justice Services, Inc.) to increase the contract amount from \$750,000 to an amount not to exceed \$1,425,000. (Sheriff)

03/29/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100388 [Approving County Refugee Services Plan for FY2009-2010]

Resolution approving the City and County of San Francisco's Refugee Services Annual Plan for Federal FY2009-2010. (Human Services Department)

03/29/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

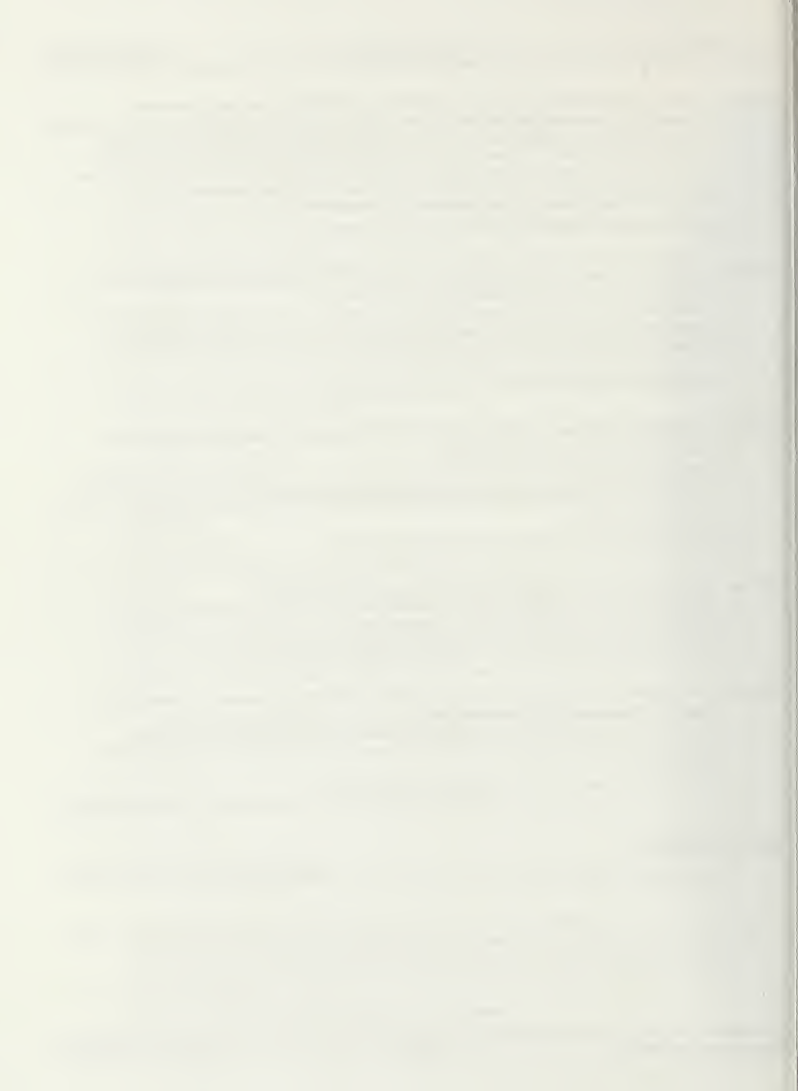
100389 [Professional Services Agreement for Energy Efficiency, Renewable Energy and Climate Change with ICF International]

Resolution approving a Professional Services Agreement with ICF International for Energy Efficiency, Renewable Energy, and Climate Professional Services at a total cost of \$19,000,000. (Environment)

03/29/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:46 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 13, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

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GOVERNMENT
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APR 15 2010
SAN FRANCISCO
PUBLIC LIBRARY

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 16, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100147 [2010 Annual Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2010 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

ADOPTED

100325 [Approving Sixth Modification to Water Supply Contract]

Resolution approving a sixth modification to the water supply contract (Contract No. EY-76-C-03-0269), between the City and County of San Francisco and the Department of Energy, pursuant to Charter Section 9.118. (Public Utilities Commission)

ADOPTED

Recommendations of the Land Use and Economic Development Committee**091453 [Planning Code Amendment – Green Landscaping Ordinance]****Sponsors: Mayor; Chu, Dufty, Mar and Maxwell**

Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for "vehicle use area," "ornamental fencing," and "permeable surface;" amending the Public Works Code Sections 805, 806 and 807 to create requirements for the establishment of new street trees, replacement of dead street trees, and removal of street trees and adding Section 802.1 to define climate appropriate standards for plantings in the public right-of-way; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED**091476 [Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]**

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase, decrease, or retain the heights of certain parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing or decreasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets) and decreasing heights on two parcels at the corner of Guerrero and Duboce Streets (also known as Assessors block and lot numbers 3501004 and 3501003); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

FINALLY PASSED**100093 [Housing Code – Residential Hotel Notice Posting Requirement]****Sponsors: Campos; Chiu and Maxwell**

Ordinance amending the San Francisco Housing Code by amending Section 1002 to add subsection (f) requiring residential hotel owners/operators to post a notice advising hotel occupants that they may telephone the City's Customer Service Center at 311 to report alleged violations of the Housing Code; adopting findings, including environmental findings.

FINALLY PASSED**100102 [Requiring the Development and Maintenance of Stormwater Management Controls]****Sponsors: Mayor; Maxwell, Mar, Chiu, Dufty and Mirkarimi**

Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, Sections 140 - 149.4, and adding Article 4.2, Sections 147 - 147.6, requiring the development and maintenance of stormwater management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

Supervisor Mirkarimi requested to be added as a co-sponsor.

FINALLY PASSED

100265 [Urging the Treasury Oversight Committee to Ratify Socially Responsible Investment Goals in the City's Investment Policy to Encourage Investments Related to Foreclosure Mitigation]

Sponsors: Chiu; Mar and Maxwell

Resolution urging the Treasury Oversight Committee to ratify socially responsible investment goals in the City's Investment Policy to encourage investments related to foreclosure mitigation.

ADOPTED

Recommendations of the Rules Committee

100392 [Appointments, Eastern Neighborhoods Citizens Advisory Committee - Toby Levy and Henry Karnilowitz]

Motion appointing Toby Levy and Henry Karnilowitz, terms to be determined, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

Toby Levy, seat 10, new appointment, must be appointed by the Western SoMa Planning Area Task Force and confirmed by the full Board, for a term to be determined.

Henry Karnilowitz, seat 11, new appointment, must be appointed by the Western SoMa Planning Area Task Force and confirmed by the full Board, for a term to be determined.

Motion No. M10-60

APPROVED

100393 [Appointment, Market and Octavia Community Advisory Committee - Marius Starkey]

Motion appointing Marius Starkey, term ending December 16, 2010, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Marius Starkey, seat 1, succeeding Julian Davis, resigned, must be a resident renter and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2010.

Motion No. M10-61

APPROVED

100394 [Appointment, Local Homeless Coordinating Board - Erick Brown]

Motion appointing Erick Brown, term ending October 21, 2010, to the Local Homeless Coordinating Board. (Clerk of the Board)

Erick Brown, seat 4, succeeding Ginger Martin, resigned, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for the unexpired portion of a five-year term ending October 21, 2010.

Motion No. M10-62

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100337 [Appropriating \$1,647,249,198 of Proceeds from Debt for the Water System Improvement Program at the Public Utilities Commission for FY2010-2011 through FY2015-2016]

Sponsor: Mayor

Ordinance appropriating \$1,647,249,198 of proceeds from debt for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for FY2010-2011 through FY2015-2016, and placing the entire appropriation of \$1,647,249,198 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, placing on Budget and Finance Committee reserve the funds for construction costs of any project with costs in excess of \$100,000,000 and \$116,863,924 related to funding for project construction starting after June 30, 2012, and adopting environmental findings.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100341 [Water Revenue Bond Issuance - Not to Exceed \$1,737,724,038]

Sponsor: Mayor

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program and the Capital Improvement Program, including but not limited to the Commission's Advanced Meter Infrastructure System, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100400 [Waiver of Temporary Street Space Occupancy Fee on May 15, 2010, for Small Business Week Sidewalk Sale]

Sponsors: Mirkarimi; Chiu, Chu and Campos

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 15, 2010, as part of Small Business Week.

Supervisor Campos requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100331 [Approving Central Subway Final Design Contract Package - Not to Exceed \$32,294,319]**Sponsor: Chu**

Resolution approving Municipal Transportation Agency Contract No. CS-155-3, Professional Architectural and Engineering Services for the Final Design and Construction Support of the Central Subway Project - Design Package No. 3 Systems Design for the Central Subway Project with HNTB - B&C JV, a joint venture of HNTB Corporation and B&C Transit, Inc. for an amount not to exceed \$32,294,319 for a term not to exceed ten years with an option to extend the term an additional two years.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

From Budget and Finance Sub-Committee Without Recommendation**100373 [Authorizing Expenditures from South of Market Community Stabilization Fund - \$1,844,273]****Sponsor: Daly**

Resolution approving the 2010 South of Market Community Stabilization Fund Program and authorizing the Mayor's Office of Housing to expend South of Market Community Stabilization Fund dollars in the amount of \$1,844,273.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

Recommendation of the Budget and Finance Committee**100248 [Creation of General Reserve and Budget Stabilization Reserve]****Sponsors: Chiu; Mayor, Chu and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Section 10.60, to adopt a binding financial policy under Charter Section 9.120 creating a General Reserve and a Budget Stabilization Reserve and providing rules for deposits to and withdrawals from such funds.

(Controller)

*Supervisors Chu and Mirkarimi requested to be added as co-sponsors.***PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee**091271 [Zoning – Street Frontages for Most Use Districts]****Sponsors: Mirkarimi; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100008 [Permit and License Fee Elimination]**Sponsor: Chiu**

Ordinance amending San Francisco Business and Tax Regulations Code Sections 248 and 249.1, amending San Francisco Police Code Sections 2.26 and 2.27, and repealing San Francisco Police Code Section 2.28, all to eliminate certain permit and license fees and revenue fees, while retaining any underlying permitting, licensing, and other substantive regulatory requirements.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee**100268 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amend Annual Salary Ordinance FY2009-2010 - \$729,932]****Sponsor: Mayor**

Ordinance authorizing the Department of Children, Youth & Their Families to retroactively accept and expend grant funding in the amount of \$729,932 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs; and amending the Annual Salary Ordinance No. 183-09 for FY2009-2010 to reflect the addition of one Class 1822 grant-funded position (0.50 FTE) at the Department of Children, Youth & Their Families and one Class 2910 grant-funded position (0.50 FTE) at the Public Defender's Office.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

100204 [Americans with Disabilities Act - Reasonable Modification Policy]

Sponsors: Alioto-Pier; Mar, Campos, Chiu and Mirkarimi

Ordinance adding Administrative Code Section 2A.22.3 to adopt a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

Supervisors Chiu and Mirkarimi requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Manfred Richter in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.**100252 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 100 - 32nd Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 19, 2009, Case No. 2007.0129E, that a project located at 100 - 32nd Avenue is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1)). The proposal would add a three-story side horizontal addition and would enlarge the existing partial fourth floor at the existing four-story, single-family residence located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District, in Assessor's Block No. 1312, Lot No. 008. (District 2) (Appellant: Stephen M. Williams on behalf of Sanford Garfinkel, other neighbors, and the Lincoln Park Neighborhood Association) (Clerk of the Board)

(Filed March 1, 2010; Companion Measure to File Nos. 100253, 100254, 100255.)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to May 11, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to May 11, 2010. There were no speakers. The President continued the public hearing open to May 11, 2010.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to May 11, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100253 [Affirming the Exemption Determination for 100 - 32nd Avenue]

Motion affirming the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 11, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100254 [Reversing the Exemption Determination Issued for 100 - 32nd Avenue]

Motion reversing the determination by the Planning Department that the 100 - 32nd Avenue project is exempt from environmental review.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 11, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100255 [Preparation of Findings Related to the Exemption Determination for the 100 – 32nd Avenue Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 11, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.**100288 [Public Hearing - Appeal of Determination of Statutory Exemption from Environmental Review for San Francisco Municipal Transportation Agency Transit Service Reductions and Related Fiscal Emergency]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated February 4, 2010, Case No. 2010.0060E, that the San Francisco Municipal Transportation Agency transit service reductions and related fiscal emergency are statutorily exempt from environmental review as provided in California Public Resources Code Section 21080.32 and California Environmental Quality Act (CEQA) Guidelines Section 15285. (Appellant: David Pilpel)

(Filed March 2, 2010; Companion Measure to File Nos. 100289, 100290, 100291.)

The President inquired as to whether any member of the public wished to address the Board. David Pilpel (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Zack Stewart; Jerry Gruffin; Michael Chesney; Dorian Maxwell; Richard Becker; Colleen Bernal; Howard Wong; Male Speaker; Female Speaker; spoke in support of the appeal. Viktoriya Wise and Bill Wycko (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Sonali Bose (MTA) provided an overview of the service reductions and related fiscal emergency and responded to questions raised throughout the discussion. Kate Stacy (City Attorney's Office) responded to questions raised throughout the discussion. Female Speaker, spoke in support of the decision of the Planning Department and in opposition to the appeal. David Pilpel (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

100289 [Affirming the Statutory Exemption Determination for the San Francisco Municipal Transportation Agency Fiscal Emergency]

Motion affirming the determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is statutorily exempt from environmental review.

Motion No. M10-63

Supervisor Campos, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Daly, Mar

Noes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

100290 [Reversing the Statutory Exemption Determination for the San Francisco Municipal Transportation Agency Service Reductions]

Motion reversing the determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is statutorily exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Daly, Mar

Noes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

100291 [Preparation of Findings Related to the Exemption Determination for the San Francisco Municipal Transportation Agency Service Reductions]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is exempt from environmental review. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Daly, Mar

Noes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi

Supervisor Chu, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed concerns relating to treatment of disabled seniors.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Dave Snyder; expressed various concerns.
Christopher Dahl; expressed concerns relating to MUNI service.
Walter Paulson; shared in song certain concerns with the Board.
Otto Duffy; expressed various concerns.
Ace Washington; spoke regarding interviewing the Mayor.*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100462 [Regulations to Ensure that Reusable Bags are Suitably Durable and Do Not Contribute to the Landfill Waste Stream]

Sponsor: Mirkarimi

Resolution requesting the Director of Department of Environment, under the authority of Section 1704, of Chapter 17, of the San Francisco Municipal Environment Code, to promulgate new, or amend existing, regulations to ensure that reusable bags are suitably durable and do not contribute to the landfill waste stream.

ADOPTED

100464 [Supporting Assembly Bill 2511 Regarding Limiting Annual Percentage Rate of Payday Loans]

Sponsors: Chiu; Campos

Resolution supporting Assembly Bill 2511 regarding limiting the annual percentage rate of payday loans to customers receiving unemployment benefits.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 100459 be severed so that it may be considered separately.

100459 [Supporting Senate Bill 1140 Regarding Allowing Voters to Register and Vote Up to and Including Election Day]

Sponsor: Campos

Resolution supporting Senate Bill 1140 to delete the arbitrary timelines which prevent eligible citizens from voting in elections by allowing voters to register and vote up to and including election day.

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to April 20, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi requested that File Nos. 100460 and 100461 be severed so that they may be considered separately.

100460 [Urging the California Department of Corrections and Rehabilitations to Implement Guidelines to Ensure Voting Access for Eligible Offenders]

Sponsor: Mirkarimi

Resolution urging the California Department of Corrections and Rehabilitation's Corrections Standard Authority to adopt specific guidelines for County Sheriff's and Department of Corrections, in order to facilitate voting among eligible incarcerated individuals.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED on Page 2, Line 4, by adding 'county' before 'departments.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100461 [Commending the Golden Gate Yacht Club and BMW ORACLE Racing Team on Winning the 33rd America's Cup and Urging the City to Host the 34th America's Cup]

Sponsors: Mirkarimi; Duffy, Maxwell, Chiu, Mar, Chu, Elsbernd and Alioto-Pier

Resolution commending San Francisco's Golden Gate Yacht Club and BMW ORACLE Racing team, directing the Clerk of the Board to send a congratulatory letter regarding their significant achievement of winning the 33rd America's Cup, and urging the City to work diligently on a plan for a San Francisco waterfront venue to host the 34th America's Cup.

Supervisors Mar, Chu, Elsbernd, and Alioto-Pier requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mar, seconded by Supervisor Alioto-Pier, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mar, seconded by Supervisor Alioto-Pier, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100468 [Proclaiming April 10 through April 18, 2010, Week of the Young Child]**Sponsor: Mar**

Resolution proclaiming April 10 through April 18, 2010, Week of the Young Child in recognition of San Francisco's child care providers.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

LEGISLATION INTRODUCED AT ROLL CALL**PROPOSED ORDINANCES****100421 [Settlement of Lawsuit - John Hartnett - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by John Hartnett against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 13, 2009, in San Francisco Superior Court, Case No. CGC-09-486142; entitled John Hartnett v. City and County of San Francisco et al. (City Attorney)

04/13/10; RECEIVED AND ASSIGNED to Rules Committee.

100438 [Settlement of Lawsuit - Michelle Cody - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Michelle Cody against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 27, 2008, in San Francisco Superior Court, Case No. CGC-08-475697; entitled Michelle Cody v. City and County of San Francisco, et al. (City Attorney)

04/13/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**100419 [Airport Concession Lease with Wells Fargo Bank, N.A.]**

Resolution approving the Domestic Terminals Automated Teller Machines Lease "A," between Wells Fargo Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100420 [Airport Concession Lease with JPMorgan Chase Bank, N.A.]

Resolution approving the Domestic Terminals Automated Teller Machines Lease "B," between JPMorgan Chase Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100439 [Settlement of Claim - Karin Novotna - \$125,000]

Resolution approving the settlement of the unlitigated claim filed by Karin Novotna against the City and County of San Francisco for \$125,000; claim was filed on November 19, 2009. (City Attorney)

04/13/10; RECEIVED AND ASSIGNED to Rules Committee.

100440 [Settlement of Claim - Pacific Gas and Electric Company - \$97,957.70]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against Pacific Gas and Electric Company for \$97,957.70; claim was filed on February 1, 2010. (City Attorney)

04/13/10; RECEIVED AND ASSIGNED to Rules Committee.

100441 [Approval of FY2010-2011 Expenditure Plan for the Human Services Care Fund]

Resolution approving the FY2010-2011 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100442 [Contract Approval with Global Tel*Link for Inmate Telephone Services]

Resolution approving a contract for operating the Sheriff's Inmate Telephone Services, between Global Tel*Link and the City and County of San Francisco, acting by and through the Sheriff's Department. (Sheriff)

04/13/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:08 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 20, 2010 - 2:00 PM

**Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

DAVID CHIU, PRESIDENT

**MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI**

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

1:30 PM

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:17 p.m. On the call of the roll, Supervisor Maxwell was noted absent. There was a quorum.

Supervisor Maxwell Excused from Voting

Supervisor Campos, seconded by Supervisor Chu, moved that Supervisor Maxwell be excused from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Alioto-Pier, moved to approve the Board Meeting Minutes of March 23, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100337 [Appropriating \$1,647,249,198 of Proceeds from Debt for the Water System Improvement Program at the Public Utilities Commission for FY2010-2011 through FY2015-2016]

Sponsor: Mayor

Ordinance appropriating \$1,647,249,198 of proceeds from debt for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for FY2010-2011 through FY2015-2016, and placing the entire appropriation of \$1,647,249,198 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, placing on Budget and Finance Committee reserve the funds for construction costs of any project with costs in excess of \$100,000,000 and \$116,863,924 related to funding for project construction starting after June 30, 2012, and adopting environmental findings.

(Fiscal Impact.)

FINALLY PASSED

100341 [Water Revenue Bond Issuance - Not to Exceed \$1,737,724,038]

Sponsor: Mayor

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program and the Capital Improvement Program, including but not limited to the Commission's Advanced Meter Infrastructure System, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

FINALLY PASSED

100400 [Waiver of Temporary Street Space Occupancy Fee on May 15, 2010, for Small Business Week Sidewalk Sale]

Sponsors: Mirkarimi; Chiu, Chu and Campos

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 15, 2010, as part of Small Business Week.

FINALLY PASSED

100312 [Airport Concession – Terminal 2 Gourmet Market and Wine Bar Lease with D-Lew Enterprise, LLC]

Resolution approving a Terminal 2 Gourmet Market and Wine Bar Lease between D-Lew Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100313 [Airport Concession – Terminal 2 Quick Serve Lease with BJ Annex, LLC]

Resolution approving the Terminal 2 Quick Serve Lease, between BJ Annex, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100314 [Airport Concession – Terminal 2 Cocktail Lounge Lease with HBF Soto JV, LLC]

Resolution approving the Terminal 2 Cocktail Lounge Lease between HBF Soto JV, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100316 [Airport Concession – Terminal 2 Quick Serve Lease with Sankaku, Inc.]

Resolution approving the Terminal 2 Quick Serve Lease between Sankaku, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100317 [Airport Concession – Terminal 2 Sit-Down Restaurant Lease with D-Lew Enterprises, LLC]

Resolution approving a Terminal 2 Sit-Down Restaurant Lease between D-Lew Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100318 [Airport Concession – Terminal 2 Bakery and Coffee Facilities Lease with Gotham Enterprises, LLC]

Resolution approving a Terminal 2 Bakery and Coffee Facilities Lease between Gotham Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100319 [Airport Concession – Terminal 2 Quick Serve Lease with Andale Management Group, Inc.]

Resolution approving the Terminal 2 Quick Serve Lease, between Andalé Management Group, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100320 [Airport Concession – Terminal 2 Quick Serve Lease with HBF Soto JV, LLC]

Resolution approving the Terminal 2 Quick Serve Lease, between HBF Soto JV, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100398 [Accept and Expend Grant - AIDS Office Space Renovation - \$9,508,907]**Sponsors: Mayor; Duffy**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the National Institutes of Health in the amount of \$9,508,907 to fund the AIDS Office Space Renovation for the period March 4, 2010, through March 3, 2015.

ADOPTED**Recommendations of the City Operations and Neighborhood Services Committee****100309 [Liquor License - 450 Florida Street]**

Resolution determining that the issuance of a Type 64 Special On-Sale General Theater Liquor License, for Lisa Steindler for the Z Space Studio dba Z Space located at 450 Florida Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED**100388 [Approving County Refugee Services Plan for FY2009-2010]**

Resolution approving the City and County of San Francisco's Refugee Services Annual Plan for Federal FY2009-2010. (Human Services Department)

ADOPTED**100342 [Accept and Expend Gift - Hayes Valley Playground Project - \$1,500,000]****Sponsors: Mayor; Mirkarimi**

Resolution accepting and expending a gift valued up to \$1,500,000 from The Trust for Public Land to the Recreation and Parks Department for the Hayes Valley Playground project.

ADOPTED**Recommendations of the Land Use and Economic Development Committee****091271 [Zoning – Street Frontages for Most Use Districts]****Sponsors: Mirkarimi; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

100008 [Permit and License Fee Elimination]**Sponsors: Chiu; Mar**

Ordinance amending San Francisco Business and Tax Regulations Code Sections 248 and 249.1, amending San Francisco Police Code Sections 2.26 and 2.27, and repealing San Francisco Police Code Section 2.28, all to eliminate certain permit and license fees and revenue fees, while retaining any underlying permitting, licensing, and other substantive regulatory requirements.

Supervisor Mar requested to be added as a co-sponsor.

FINALLY PASSED

Recommendation of the Public Safety Committee**100268 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amend Annual Salary Ordinance FY2009-2010 - \$729,932]****Sponsor: Mayor**

Ordinance authorizing the Department of Children, Youth & Their Families to retroactively accept and expend grant funding in the amount of \$729,932 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs; and amending the Annual Salary Ordinance No. 183-09 for FY2009-2010 to reflect the addition of one Class 1822 grant-funded position (0.50 FTE) at the Department of Children, Youth & Their Families and one Class 2910 grant-funded position (0.50 FTE) at the Public Defender's Office.

FINALLY PASSED

Recommendation of the Rules Committee**100204 [Americans with Disabilities Act - Reasonable Modification Policy]****Sponsors: Alioto-Pier; Mar, Campos, Chiu and Mirkarimi**

Ordinance adding Administrative Code Section 2A.22.3 to adopt a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

100248 [Creation of General Reserve and Budget Stabilization Reserve]

Sponsors: Chiu; Mayor, Chu and Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Section 10.60, to adopt a binding financial policy under Charter Section 9.120 creating a General Reserve and a Budget Stabilization Reserve and providing rules for deposits to and withdrawals from such funds.
(Controller)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100338 [Appropriating \$33,735,421 of Proceeds from Debt and Fee Revenues for Water Capital Improvements at the Public Utilities Commission for FY2010-2011 and FY2011-2012]

Sponsor: Mayor

Ordinance appropriating \$33,735,421 of proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Water Enterprise's Capital Improvement Program for FY2010-2011 and FY2011-2012 and placing \$29,642,138 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness and fee revenues.
(Fiscal Impact.)

Privilege of the floor was granted to Nathan Purkiss (Public Utilities Commission) who responded to questions raised throughout the discussion regarding File Nos. 100338, 100339, and 100340.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

100339 [Appropriating \$348,064,054 of State Grants Proceeds from Debt and Fee Revenues for Wastewater Capital Improvements at the Public Utilities Commission for FY2009-2010]**Sponsors:** Mayor; Dufty

Ordinance appropriating \$348,064,054 of state grants proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise's Capital Improvement Program for FY2009-2010, and placing \$329,962,235 by project on Controller's reserve subject to SFPUC and Board of Supervisor's discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, grant funds, and fee revenues.

See File No. 100338.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

100340 [Wastewater Revenue Bond Issuance – Not to Exceed \$297,756,235]**Sponsors:** Mayor; Dufty

Ordinance approving the issuance and sale of wastewater revenue bonds in an aggregate principal amount not to exceed \$297,756,235 by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

See File No. 100338.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

From the City Operations and Neighborhood Services Committee Without Recommendation**100264 [Urging Lennar Corporation to Issue a Formal Written Apology]****Sponsor:** Daly

Resolution urging the Lennar Corporation to issue a formal, written apology to members of the Stop Lennar Action Movement and the City and County of San Francisco for irresponsible and potentially dangerous behavior.

Supervisor Dufty, seconded by Supervisor Daly, moved that this Resolution be AMENDED on Page 2, Line 2, by changing 'great' to 'potential;' and on Page 2, Line 23, after 'to members of the' by adding 'Bayview Hunter's Point Community.' The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

Supervisor Duffy moved to divide the 'FURTHER RESOLVED' clause relating to disclosure, located on Page 3, Lines 1-3.

The question relating to the 'FURTHER RESOLVED' clause regarding disclosure FAILED, as divided, by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chiu, Chu, Duffy, Elsbernd

Excused: 1 - Maxwell

Supervisor Alioto-Pier moved to divide the 'WHEREAS' clause relating to unconscionable actions, located on Page 2, Lines 18-21.

The question relating to the 'WHEREAS' clause regarding unconscionable actions FAILED, as divided, by the following vote:

Ayes: 5 - Avalos, Campos, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chiu, Chu, Duffy, Elsbernd

Excused: 1 - Maxwell

ADOPTED AS AMENDED AND DIVIDED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Duffy, Mar, Mirkarimi

Noes: 2 - Chu, Elsbernd

Excused: 1 - Maxwell

Recommendation of the Government Audit and Oversight Committee

100240 [Supporting Senate Bill 330 Regarding University of California]

Sponsor: Mar

Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

Supervisor Daly was noted absent at 3:02 p.m. Supervisor Daly was noted present at 3:31 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Chiu, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Jane Morrison for her commitment to human rights, equality, and environment around the country and the state on the occasion of her 90th birthday.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Randi Weingarten in recognition of her accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

100382 [Public Hearing - Appeal of Conditional Use for 725 Taraval Street]

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 18037 dated February 25, 2010, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0531C), under Planning Code Sections 303, 711.83, and 790.80, to install a wireless telecommunications facility consisting of eight new panel antennas located on the existing four-story mixed-use building's elevator penthouse structures, with related equipment cabinets located within the structure's subterranean garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District, on property located at 725 Taraval Street, Lot Nos. 052-058 in Assessor's Block No. 2408. (District 7) (Appellant: Robert Carson) (Clerk of the Board)
(Filed 3/25/10 - Companion Measure to File Nos. 100383, 100384, 100385.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to May 18, 2010. There were no speakers. The President continued the public hearing open to May 18, 2010.

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Hearing be CONTINUED to May 18, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

100383 [Affirming Planning Commission Decision Related to Conditional Use Appeal for 725 Taraval Street]

Motion affirming the decision of the Planning Commission by its Motion No. 18037, approving Conditional Use Application No. 2009.0531C on property located at 725 Taraval Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 18, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

100384 [Reversing Planning Commission Decision Related to Conditional Use Appeal for 725 Taraval Street]

Motion reversing the decision of the Planning Commission by its Motion No. 18037, approving Conditional Use Application No. 2009.0531C on property located at 725 Taraval Street. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 18, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi
Excused: 1 - Maxwell

100385 [Preparation of Findings Related to the Conditional Use Appeal for 725 Taraval Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2009.0531C on property located at 725 Taraval Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Campos, moved that this Motion be CONTINUED to May 18, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

SPECIAL ORDER 4:00 P.M.

Supervisor Alioto-Pier was noted absent at 6:51 p.m. Supervisor Alioto-Pier was noted present at 7:30 p.m.

100443 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - 555 Washington Street]

Hearing of persons interested in or objecting to the Planning Commission's March 18, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2002.0133E, through its Motion No. 18046, and its decision of the Planning Commission's March 18, 2010, Case No. 2002.0133EZRKXV, adoption of California Environmental Quality Act findings, through its Motion No. 18047, which will include demolition of two buildings at 501-505 Washington Street and 545 Sansome Street, and construction of a 38-story, approximately 390 foot-tall building topped with a mechanical penthouse and architectural screening reaching in height to approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 215 parking spaces plus 2 car share spaces, including vacation of Mark Twain Alley and conveyance of Redwood Park to the City and County of San Francisco, for project located at 555 Washington Street (aka 545 Sansome Street), Block No. 0207, Lot Nos. 33, 35, and 36. (District 3) (Appellants: Sue Hestor, on behalf of San Franciscan's for Reasonable Growth, and Vedica Puri, on behalf of Telegraph Hill Dwellers). (Clerk of the Board)

(Filed April 2, 2010, Companion to File Nos. 100444, 100445, 100446)

The President inquired as to whether any member of the public wished to address the Board. Susan Brandt-Hawley and Sue Hestor (Appellants) provided overviews of the appeal and further requested the Board to approve the appeal. Gerry Crowley; Mark Bittner; Bill Sugaya (Planning Commissioner); Arthur Levy; Linda Chapman; Ted Kipping; Male Speaker; Judy Irving; Stan Hayes; Phil Ryan; Andy Katz; Nancy Shanahan; Tom Radulovich; Tony Kelly; Michael Pedroni; Richard Reineccius; Eileen Boken; Male Speaker; Nan Roth; Jennifer Clary; Albert Einstein; Joe Luttrell; David Turner; Joan Wood; James Joannides; Pierre Gasztowt; Paul Wermer; Jane Morrison; Katherine Howard; Joe Butler; Howard Wong; Zach Stewart; Tommy Day; Kevin Call; Ernestine Weiss; Vedica Puri; Dawn Turner, spoke in support of the appeal. Bill Wycko, Kevin Guy, and Tara Sullivan (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Andrew Segal, Kevin O'Connell, and Rachel Borsche (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Kate Stacy (City Attorney's Office) responded to questions raised throughout the discussion. Dr. Orobo Osagie; Richard Ow; Gian-Paolo Veronese; Tim Colin; Peter Scott; Dan Prince; Florence Kong; Female Speaker; Jeff Ente; Rin; Male Speaker; Mr. Lu; Regina Vann; Ruben Rivas; Roberto Rivas; Margaret Rowley; Joan Mathis; Angela Armstrong; Andrew McDewitt; Female Speaker; Mark Shelley; Adrian Simi; Male Speaker; Pak King Wu; Sandy Hong; Joshua Wyman; Mitchell; Panayea Roomel; Danny Campbell; Mark Leach; Ed Reyes; Michael George; David Krump; Kay Stegner; Rev. Richardson; Manual Flores; spoke in support of the project and in opposition to the appeal. Susan Brandt-Hawley (Appellant) provided rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

100444 [Affirming the Certification of the 555 Washington Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 555 Washington Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Excused: 1 - Maxwell

100445 [Reversing the Certification of the 555 Washington Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 555 Washington Street Project. (Clerk of the Board)

Motion No. M10-64

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to CONTINUE to May 18, 2010.

The motion to CONTINUE to May 18, 2010, FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Excused: 1 - Maxwell

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

100446 [Preparation of Findings to Reverse Certification of the 555 Washington Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 555 Washington Street Project. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to CONTINUE to May 18, 2010.

The motion to CONTINUE to May 18, 2010, FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Excused: 1 - Maxwell

Supervisor Daly, seconded by Supervisor Chiu, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Excused: 1 - Maxwell

Motion No. M10-65**APPROVED AS AMENDED** by the following vote:

Ayes: 6 - Avalos, Campos, Chu, Daly, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chiu, Dufty, Elsbernd

Excused: 1 - Maxwell

ROLL CALL FOR INTRODUCTIONS*See Legislation Introduced below.***PUBLIC COMMENT***Abdullah Megaheed; expressed various concerns Arabic and English.**James Chaffee; expressed concerns relating to the SF Public Library.**Patricia Vaughn; expressed various concerns.**Colin Gallagher; expressed concerns relating to Armenian Genocide Commemoration Day legislation.**Peter Warfield; expressed concerns relating to the SF Public Library.**Walter Paulson; shared in song certain concerns with the Board.**Male Speaker; expressed concerns relating to legislative process.**Christopher Dahl; expressed various concerns.**Ernestine Weiss; expressed various concerns.**Male Speaker; expressed concerns relating to appointment process.***FOR ADOPTION WITHOUT COMMITTEE REFERENCE****100459 [Supporting Senate Bill 1140 Regarding Allowing Voters to Register and Vote Up to and Including Election Day]****Sponsors: Campos; Mar**

Resolution supporting Senate Bill 1140 to delete the arbitrary timelines which prevent eligible citizens from voting in elections by allowing voters to register and vote up to and including election day.

*Supervisor Mar requested to be added as a co-sponsor.***ADOPTED****100475 [Supporting Establishment of Statewide Extended Producer Responsibility System and Framework]****Sponsor: Mirkarimi**

Resolution urging the California State Legislature to enact an extended producer responsibility framework, requesting the City and County of San Francisco's lobbying efforts include extended producer responsibility advocacy, authorizing the City to become a member of the California Product Stewardship Council and recommitting the City to the goals of the Environmentally Preferable Purchasing Ordinance.

ADOPTED

100476 [Supporting Creation of and Declaring Asian Pacific Mental Health Day - May 10, 2010]**Sponsor: Mar**

Resolution supporting the creation of Asian Pacific Mental Health Day on May 10, 2010, and each May 10 thereafter.

ADOPTED**100477 [Armenian Genocide Commemoration Day - April 24, 2010]****Sponsors: Elsbernd; Campos, Dufty, Alioto-Pier, Mar, Avalos, Chu, Maxwell, Mirkarimi, Daly and Chiu**

Resolution declaring April 24, 2010, as Armenian Genocide Commemoration Day in San Francisco.

ADOPTED**100478 [Honoring Jane Morrison on the Occasion of her 90th Birthday]****Sponsors: Chiu; Mar**

Resolution honoring Jane Morrison on the occasion of her 90th birthday.

*Supervisor Mar requested to be added as a co-sponsor.***ADOPTED****100479 [Commending Women's Sports Foundation Chief Executive Officer, Kathryn Olson]****Sponsor: Alioto-Pier**

Resolution commending Kathryn Olson on her selection as Chief Executive Officer of the Women's Sports Foundation.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

IMPERATIVE AGENDA*There were none.*

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

100492 [Supplemental Agreement to Install an Additional Water Pipeline Over Union Pacific Railroad Company Property in Stanislaus County]

Resolution approving and authorizing a Supplemental Agreement with Union Pacific Railroad Company ("Railroad") to install an additional water pipeline within an existing easement area over Railroad property near the City of Oakdale in Stanislaus County required for the San Joaquin Pipeline System Project No. CUW37301 (the "Project") for a fee of \$2,500; adopting findings under the California Environmental Quality Act ("CEQA"); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

04/12/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100493 [Finding of Fiscal Feasibility of Runway Safety Area Project at San Francisco International Airport]

Resolution finding the proposed Runway Safety Area project at San Francisco International Airport fiscally feasible pursuant to Administrative Code Chapter 29. (Airport Commission)

04/12/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:23 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 27, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

1:30 PM

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisor Maxwell was noted absent. There was a quorum.

Supervisor Maxwell Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that Supervisor Maxwell be excused from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 30, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100310 [Airport Concession Lease - Terminal 2 Book Store with Books, Inc.]

Resolution approving the Terminal 2 Book Store lease between Books, Inc., (Compass Books, Inc.), and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100315 [Airport Concession Lease – Terminal 2 Specialty Store with Charles Chocolates, Inc.]

Resolution approving the Terminal 2 Specialty Store lease between Charles Chocolates, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100322 [Airport Concession Lease - Terminal 2 Spa with XpresSpa SF International, Inc.]

Resolution approving the Terminal 2 Spa lease between XpresSpa SF International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100389 [Professional Services Agreement - Energy Efficiency, Renewable Energy and Climate Change with ICF International - \$19,000,000]

Sponsor: Mirkarimi

Resolution approving a Professional Services Agreement with ICF International for Energy Efficiency, Renewable Energy, and Climate Professional Services at a total cost of \$19,000,000. (Environment)

ADOPTED

100431 [Accept and Expend Grant - Recovery Act Justice Assistance Grant - \$963,198]

Sponsors: Mayor; Dufty and Mirkarimi

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$963,198 from the California Emergency Management Agency, to assist with a project entitled "Recovery Act Justice Assistance Grant" for the period of October 1, 2009, through March 31, 2011.

ADOPTED

100474 [Accept and Expend Grant - American Recovery and Reinvestment Act GreenFinanceSF - \$2,080,000]

Sponsors: Mayor; Dufty and Mirkarimi

Resolution amending Resolution No. 59-10 retroactively to substitute the Public Utilities Commission, for the Department of the Environment, as the department authorized to accept and expend a grant in the amount of \$2,080,000 from the California Energy Commission's State Energy Program to provide financial assistance for GreenFinanceSF, the City and County of San Francisco's municipal financing program for energy and water retrofits of privately-owned buildings, and ratifying actions previously taken.

ADOPTED

Recommendations of the Public Safety Committee**100433 [Accept and Expend Grant - San Francisco Drug Elimination Team - \$533,810]****Sponsor: Chu**

Resolution authorizing the Department of Children, Youth & Their Families, to retroactively accept and expend grant funding in the amount of \$533,810 from the California Emergency Management Agency to fund the San Francisco Drug Elimination Team, a multi-disciplinary partnership, comprised of the San Francisco Police Department, the District Attorney's Office, and the Adult Probation Department for the period of July 1, 2009, through June 30, 2010.

ADOPTED

100435 [Accept and Expend Grant - Substance Abuse Offender Treatment Program - \$370,182]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Alcohol and Drug Programs in the amount of \$370,182 to fund the Substance Abuse Offender Treatment Program for the period July 1, 2009, through June 30, 2010.

ADOPTED

Recommendations of the Rules Committee**100421 [Settlement of Lawsuit - John Hartnett - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by John Hartnett against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 13, 2009, in San Francisco Superior Court, Case No. CGC-09-486142; entitled John Hartnett v. City and County of San Francisco et al. (City Attorney)

PASSED, ON FIRST READING

100438 [Settlement of Lawsuit - Michelle Cody - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Michelle Cody against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 27, 2008, in San Francisco Superior Court, Case No. CGC-08-475697; entitled Michelle Cody v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100439 [Settlement of Claim - Karin Novotna - \$125,000]

Resolution approving the settlement of the unlitigated claim filed by Karin Novotna against the City and County of San Francisco for \$125,000; claim was filed on November 19, 2009. (City Attorney)

ADOPTED

100440 [Settlement of Claim - Pacific Gas and Electric Company - \$97,957.70]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against Pacific Gas and Electric Company for \$97,957.70; claim was filed on February 1, 2010. (City Attorney)

ADOPTED

100426 [Appointment, In-Home Supportive Services Public Authority - Kenzi Robi]

Motion appointing Kenzi Robi, term ending March 1, 2012, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

Motion No. M10-66

APPROVED

100463 [Appointments, SRO Task Force - Charles Siron, Suresh Patel, Bruce Burge, Seth Katzman, Jorge Portillo, Jeff Buckley, Angela Chu, Matthias Mormino and Patrick Flanagan]

Motion appointing Charles Siron, Suresh Patel, Bruce Burge, Seth Katzman, Jorge Portillo, Jeff Buckley, Angela Chu, Matthias Mormino and Patrick Flanagan, terms ending December 31, 2012, to the SRO Task Force, residency requirement waived. (Clerk of the Board)

Motion No. M10-67

APPROVED

100423 [Appointment, Commission on the Aging Advisory Council - Elinore Luris]

Motion appointing Elinore Luris, term ending March 31, 2012, to the Commission on the Aging and Advisory Council. (Clerk of the Board)

Motion No. M10-68

APPROVED

100424 [Appointment, Sweatfree Procurement Advisory Group - Alicia Culver]

Motion appointing Alicia Culver, term ending December 17, 2011, to the Sweatfree Procurement Advisory Group, residency requirement waived. (Clerk of the Board)

Motion No. M10-69

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

Severed from the Consent Agenda

Supervisor Campos requested that File Nos. 100338 and 100339 be severed so that they may be considered separately.

100338 [Appropriating \$33,735,421 of Proceeds from Debt and Fee Revenues for Water Capital Improvements at the Public Utilities Commission for FY2010-2011 and FY2011-2012]**Sponsor: Mayor**

Ordinance appropriating \$33,735,421 of proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Water Enterprise's Capital Improvement Program for FY2010-2011 and FY2011-2012 and placing \$29,642,138 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness and fee revenues.
(Fiscal Impact.)

Privilege of the floor was granted to Cheryl Adams (City Attorney's Office) and Ed Harrington (Public Utilities Commission) who responded to questions raised throughout the discussion regarding File Nos. 100338 and 100339.

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to CONTINUE File Nos. 100338 and 100339 to May 11, 2010.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to TABLE the motion to CONTINUE File Nos. 100338 and 100339 to May 11, 2010, made by Supervisor Campos.

Supervisor Daly, seconded by Supervisors Campos and Mirkarimi, moved to TABLE the motion to TABLE made by Supervisor Elsbernd. The motion to TABLE Supervisor Elsbernd's motion to TABLE FAILED by the following vote:

Ayes: 4 - Campos, Daly, Mar, Mirkarimi

Noes: 6 - Alioto-Pier, Avalos, Chiu, Chu, Duffy, Elsbernd

Excused: 1 - Maxwell

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to TABLE the motion to CONTINUE File Nos. 100338 and 100339 to May 11, 2010, made by Supervisor Campos. The motion to TABLE Supervisor Campos' motion to CONTINUE File Nos. 100338 and 100339 to May 11, 2010, PASSED by the following vote:

Ayes: 6 - Alioto-Pier, Avalos, Chiu, Chu, Duffy, Elsbernd

Noes: 4 - Campos, Daly, Mar, Mirkarimi

Excused: 1 - Maxwell

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

100339 [Appropriating \$348,064,054 of State Grants Proceeds from Debt and Fee Revenues for Wastewater Capital Improvements at the Public Utilities Commission for FY2009-2010]

Sponsors: Mayor; Dufty

Ordinance appropriating \$348,064,054 of state grants proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise's Capital Improvement Program for FY2009-2010, and placing \$329,962,235 by project on Controller's reserve subject to SFPUC and Board of Supervisor's discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, grant funds, and fee revenues.

See File No. 100338.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Sub-Committee

100340 [Wastewater Revenue Bond Issuance – Not to Exceed \$297,756,235]

Sponsors: Mayor; Dufty

Ordinance approving the issuance and sale of wastewater revenue bonds in an aggregate principal amount not to exceed \$297,756,235 by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

NEW BUSINESS

Recommendation of the Budget and Finance Committee

100430 [Ten Year Capital Expenditure Plan - FYs2011-2020]

Sponsors: Mayor; Chiu

Resolution adopting the City's ten year capital expenditure plan for FYs2011-2020.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that the attachment to the Resolution be AMENDED on Page 134 to read "Francisco Reservoir: Consistent with Board Resolution 502-08, the City will explore the preservation of the Francisco Reservoir as open space." The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Avalos, Campos, Chiu, Dufty, Mar, Mirkarimi

Noes: 3 - Chu, Daly, Elsbernd

Excused: 1 - Maxwell

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

Recommendations of the Budget and Finance Sub-Committee

100251 [Approval of Contract with AT&T for City Telecommunications Services - \$75,000,000]

Ordinance approving, retroactively, a contract with AT&T for the purchase of telecommunications services and equipment for a maximum cost of \$75,000,000 for a four and one-half year term beginning on March 1, 2010. (Department of Technology)
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

100311 [Airport Concession Lease - Amendment to Post-Security Master Retail/Duty Free Concession with DFS Group, L.P.]

Resolution approving Amendment No. 8 to the Post-Security Master Retail/Duty Free Concession Lease No. 99-0035 between DFS Group, L.P., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

100321 [Airport Concession Lease - Terminal 2 and 3 Electronics and Technology Stores with Edge 1 Cellular, L.P.]

Resolution approving the Electronics and Technology Stores in Terminal 2 and Terminal 3 lease, between Edge 1 Cellular, L.P., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

Recommendations of the Land Use and Economic Development Committee**090584 [Requiring Lighting Efficiency Measures in Commercial and City Buildings]**

Sponsors: Dufty; Mayor and Chiu

Ordinance amending the San Francisco Building Code by adding a new Chapter 13D, Sections 1301D through 1311D, to require commercial buildings to increase efficiency of fluorescent lighting by the year 2011; amending the San Francisco Environment Code by dividing Section 705 into Sections 705 through 705.5 and amending them to require City-owned facilities to increase efficiency of fluorescent lighting; adopting findings required by California Health and Safety Code Section 17958.7 and environmental findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

091208 [24th Street - Noe Valley Neighborhood Commercial District - Conditional Use for New Full-Service and Small Self-Service Restaurants]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by amending Section 728.1 and Sections 728.42, 728.44 and 728.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and removing the Specific Provisions for full-service restaurants; adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the Priority Policies of Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

100021 [Acceptance of Real Property - Dearborn Street]**Sponsor: Dufty**

Resolution authorizing an agreement under which the San Francisco League of Urban Gardeners will transfer title to real property located on Dearborn Street (Lot Nos. 040 and 073, Block No. 3577), the use of which is restricted to a community garden; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, accept the deeds to property and take certain actions in furtherance of this Resolution.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

SPECIAL ORDER 3:30 P.M - Recognition of Commendations**Privilege of the Floor**

Supervisor Campos, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

Supervisor Campos introduced, welcomed, and presented Certificates of Honor to Reverend Stephen A. Privette, S.J., accepted by Ana Perez, Executive Director of the CARECEN - Central American Resource Center, and Tessa Rouverol Callejo in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.**Supervisor Chu Excused from Voting**

Supervisor Chiu was noted absent at 7:02 p.m. Supervisor Chiu was noted present at 7:27 p.m.

Supervisor Campos, seconded by Supervisor Alioto-Pier, moved that Supervisor Chu be excused from voting on File Nos. 100151, 100152, 100153, and 100154. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 2 - Chu, Maxwell

100151 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2462 - 27th Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 16, 2009, Case No. 2009.0797E, that a project located at 2462 - 27th Avenue is exempt from environmental review under the California Environmental Quality Act (CEQA) as a Class 1(e) categorical exemption. The proposal would add a third floor and rear extension to the existing family home located in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District, in Assessor's Block No. 2399, Lot No. 026. (District 4) (Appellant: Stephen M. Williams, on behalf of Sunset Parkside Education and Action Committee (SPEAK)). (Filed February 3, 2010; Companion Measure to File Nos. 100152, 100153, 100154.)

The President inquired as to whether any member of the public wished to address the Board. Stephen Williams (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Vincent Marsh; Harry Chia; Karen Mitchell; Shirley Eng; Buela Shamuda; Mike Lynch; Nancy Wuerfel; Female Speaker; Jerome Berelich; Eng Li; Larry Lyon; spoke in support of the appeal. AnMarie Rodgers and Michael Smith (Planning Department) provided an overview of the decision of the Planning Department. Bret Gladstone (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Alice Carey; Erica Schultz; Dolly Wong; Male Speaker; Daisy Wong; Larry Barsetti; Paul Naisuler; Sam Yu; Gina Gomez; spoke in support of the project and in opposition to the appeal. Vincent Marsh and Stephen Williams (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

100152 [Affirming the Determination of Exemption Issued for 2462 - 27th Avenue]

Motion affirming the determination by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

Motion No. M10-70

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 2 - Chu, Maxwell

100153 [Reversing the Determination of Exemption Issued for the 2462 – 27th Avenue Project]

Motion reversing the determination by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 2 - Chu, Maxwell

100154 [Preparation of Findings Related to the Determination of Exemption Issued for 2462 – 27th Avenue Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of determination of exemption by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 2 - Chu, Maxwell

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Daly was noted absent at 3:19 p.m. Supervisor Daly was noted present at 3:59 p.m.

Supervisor Alioto-Pier was noted absent at 4:25 p.m. Supervisor Alioto-Pier was noted present at 6:21 p.m.

Supervisor Daly was noted absent at 5:37 p.m. Supervisor Daly was noted present at 5:54 p.m.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Colin Gallagher; expressed concerns relating to Arizona.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Marlene Tran; expressed concerns relating to violence.
Male Speaker; expressed concerns relating to violence.
Mr. Chao; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Sharen Hewitt; expressed concerns relating to violence in English and Chinese.
Female Speaker; expressed concerns relating to violence on MUNI in Chinese and English.
Female Speaker; expressed concerns relating to violence on MUNI in Chinese and English.
Female Speaker; expressed concerns relating to violence in Chinese and English.
Walter Paulson; shared in song certain concerns with the Board.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Po King Wong; expressed concerns relating to violence.
Mable Seto; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence in Chinese and English.
Female Speaker; expressed concerns relating to violence in Chinese and English.
John DiDonna; expressed concerns relating to separation of church and State.
Sam Siu; expressed concerns relating to violence.
Tommy Tang; expressed concerns relating to violence.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Male Speaker; expressed concerns relating to violence.
Vincent Pan; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence in Chinese and English.
James Pan; expressed concerns relating to violence.
Brandon Lee; expressed concerns relating to violence.
Zhao Xiong; expressed concerns relating to violence.
Jackie Norman; expressed concerns relating to violence.
Douglas Yep; expressed concerns relating to violence in Chinese and English.
Rachel Li; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Jenny Lim; expressed concerns relating to violence in Chinese and English.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Sam Li; expressed concerns relating to violence.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Male Speaker; expressed concerns relating to violence in Chinese and English.
Female Speaker (APACC); expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Larry Jones; expressed concerns relating to violence.
Female Speaker; expressed concerns relating to violence.
Fook Wong; expressed concerns relating to violence in Chinese and English.
Tony Leung; expressed concerns relating to violence in Chinese and English.
Francisco Da Costa; expressed various concerns in English and Chinese.
Male Speaker; expressed concerns relating to violence.
Otto Duffy; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100504 [Commending Dennis Morris, Assistant District Attorney, Upon his Retirement]**Sponsor: Elsbernd**

Resolution commending Dennis Morris, Assistant District Attorney, upon his retirement.

ADOPTED

100505 [Support for Louis' Restaurant]**Sponsors: Mar; Mirkarimi, Daly, Alioto-Pier, Chu and Chiu**

Resolution supporting Louis' Restaurant at 902 Point Lobos.

ADOPTED

100506 [Commemorating Adolph Sutro's 180th Birthday]**Sponsor: Mar**

Resolution commemorating the 180th birthday of Adolph Sutro.

ADOPTED

100507 [Accept and Expend Gift - Jeanne Fontana Revocable Trust - \$25,000]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Animal Care and Control to accept and expend a gift of \$25,000 from the Jeanne Fontana Revocable Trust.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Mirkarimi

Excused: 1 - Maxwell

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCE

100515 [Settlement of Lawsuit - Blackhawk Parent LLC - \$250,000]

Ordinance authorizing settlement of tax refund lawsuit filed by Blackhawk Parent LLC, against the City and County of San Francisco for \$250,000; the lawsuit entitled Blackhawk Parent LLC v. City and County of San Francisco, Case No. 478-160, filed August 1, 2008, in San Francisco Superior Court. (City Attorney)

04/14/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

100516 [Lease Agreement with the California State Lands Commission]

Resolution approving and authorizing a 25 year lease with the California State Lands Commission for a portion of the San Francisco Bay in Alameda and San Mateo Counties, at no rent, for the public purpose of constructing the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

04/19/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:39 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, May 4, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

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DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

1:30 PM

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:12 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Avalos, seconded by Supervisor Maxwell, moved to approve the Board Meeting Minutes of April 6, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

See File No. 100447 below.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100251 [Approval of Contract with AT&T for City Telecommunications Services - \$75,000,000]

Ordinance approving, retroactively, a contract with AT&T for the purchase of telecommunications services and equipment for a maximum cost of \$75,000,000 for a four and one-half year term beginning on March 1, 2010. (Department of Technology)
(Fiscal Impact.)

FINALLY PASSED

100349 [Lease of Real Property – 1390 Market Street]

Resolution authorizing the exercise of a five year option to extend the lease of approximately 9,397 square feet of space located at 1390 Market Street for the Department of Children, Youth and their Families. (Real Estate Department)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee**100227 [Accept and Expend Gift - Recreation and Parks Presidio Heights Playground - \$910,800]****Sponsor: Alioto-Pier**

Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at \$910,800 from the Friends of Presidio Heights Playground through the San Francisco Parks Trust for Phase One Improvements to Presidio Heights Playground.

ADOPTED**100401 [Accept and Expend Grant - Bio-Rad Clinical Trial - \$159,876]****Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Bio-Rad Laboratories in the amount of \$159,876 to fund the Bio-Rad Clinical Trial project for the period of February 1, 2010, through June 30, 2010.

ADOPTED**100403 [Accept and Expend Grant - Medical Monitoring Project - \$401,770]****Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of \$401,770 to support a project entitled, "Medical Monitoring Project" for the period of June 1, 2010, through May 31, 2011.

ADOPTED**Recommendation of the Land Use and Economic Development Committee****091208 [24th Street - Noe Valley Neighborhood Commercial District - Conditional Use for New Full-Service and Small Self-Service Restaurants]****Sponsor: Dufty**

Ordinance amending the San Francisco Planning Code by amending Section 728.1 and Sections 728.42, 728.44 and 728.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and removing the Specific Provisions for full-service restaurants; adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the Priority Policies of Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

100421 [Settlement of Lawsuit - John Hartnett - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by John Hartnett against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 13, 2009, in San Francisco Superior Court, Case No. CGC-09-486142; entitled John Hartnett v. City and County of San Francisco et al. (City Attorney)

FINALLY PASSED

100438 [Settlement of Lawsuit - Michelle Cody - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Michelle Cody against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 27, 2008, in San Francisco Superior Court, Case No. CGC-08-475697; entitled Michelle Cody v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

090584 [Requiring Lighting Efficiency Measures in Commercial and City Buildings]

Sponsors: Dufty; Mayor and Chiu

Ordinance amending the San Francisco Building Code by adding a new Chapter 13D, Sections 1301D through 1311D, to require commercial buildings to increase efficiency of fluorescent lighting by the year 2011; amending the San Francisco Environment Code by dividing Section 705 into Sections 705 through 705.5 and amending them to require City-owned facilities to increase efficiency of fluorescent lighting; adopting findings required by California Health and Safety Code Section 17958.7 and environmental findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved that this Ordinance be **AMENDED** on Page 22, Lines 1-8, by adding 'Section 6. The lighting retrofits required by this ordinance may expose the people replacing the lamp and/or ballast to dangerous levels of electricity. The Board of Supervisors strongly urges building owners and managers to take appropriate precautions to protect both the people doing the electrical work and the people in the buildings from the associated risks of fire, serious injury, and/or death, by having the work performed only by qualified persons. Such persons should be trained in both the technical requirements of the work involved, and the decision-making process necessary to determine the nature and extent of the hazard and the personal protective equipment and job planning necessary to perform the task safely.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100246 [Permits the Bureau of Delinquent Revenue to Assign Accounts Receivable with a Value of \$10,000 or Less to a Collection Agency]

Sponsor: Mirkarimi

Ordinance amending Section 10.39-1 of the Administrative Code to increase the cap on accounts receivable that the Bureau of Delinquent Revenue may assign to a collection agency from \$4,000 to accounts with a fair market value of \$10,000. (Treasurer-Tax Collector)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100247 [Additional Penalty for Underreporting Tax by Twenty-five Percent or More]

Ordinance amending Section 6.17-2 of the Business and Tax Regulations Code by adding an additional "substantial underreporting" penalty equal to fifty percent of the unreported tax for underreporting a tax liability by twenty-five percent or more. (Treasurer-Tax Collector)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100471 [Accept and Expend Grant - American Recovery and Reinvestment Act Energy Efficiency Projects and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$875,957]

Sponsors: Mayor; Dufty

Ordinance authorizing the Department of the Environment to expend a grant in the amount of \$875,957 from the California Energy Commission's State Energy Program through the Association of Bay Area Governments for the deployment of energy efficiency projects in the City and County of San Francisco and amend Ordinance Number 183-09 to reflect the addition of three (3) grant funded positions in the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100386 [Approval to Award Restaurant Lease Between the Port of San Francisco and D & G Company, LLC, Doing Business as Lou's Pier 47]

Resolution approving Port Commission Restaurant Lease No. L-14630 with D & G Company, LLC, doing business as Lou's Pier 47, for certain real property at 300 Jefferson Street located in Fisherman's Wharf in the City and County of San Francisco for a term of fifteen and one half (15 1/2) years, plus a five (5) year extension option. (Port)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100473 [Adopting Five Year Financial Plans Submitted by the Port and the Airport]**Sponsor: Mayor**

Resolution adopting the five year financial plans submitted by the Port and the Airport under Charter Section 9.119.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100500 [Apply for, Accept and Expend Grant - HOME Investment Partnership Program Entitlement, FY2010-2011 - \$8,580,153]**Sponsor: Mayor**

Resolution approving the FY2010-2011 HOME Investment Partnership Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 HOME Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$8,580,153 and to expend program income in the amount of \$301,605.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100501 [Apply For, Accept and Expend Grant - Emergency Shelter Grants Program Entitlement, FY2010-2011 - \$926,523]**Sponsor: Mayor**

Resolution approving the FY2010-2011 Emergency Shelter Grant Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$926,523 and to expend reprogrammed funds in the amount of \$35,703.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100503 [Apply for, Accept and Expend Grant - Community Development Block Grant Entitlement, FY2010-2011 - \$22,267,380]**Sponsor: Mayor**

Resolution approving the FY2010-2011 Community Development Block Grant Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$22,267,380 and to expend program income in the amount of \$4,886,000.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Sub-Committee Without Recommendation**091269 [Payroll Expense Tax Biotechnology Exclusion Amendment]****Sponsors: Alioto-Pier; Dufty**

Ordinance amending Section 906.1 of the San Francisco Business and Tax Regulations Code to clarify the definition of "biotechnology business" and to allow applicants to claim the biotechnology exclusion for seven and one half (7.5) years irrespective of the application date.
(Fiscal Impact.)

Privilege of the floor was granted to Jennifer Matz (Office of Economic and Workforce Development) who responded to questions raised throughout the discussion regarding File No. 091269.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED on Page 3, Lines 1-2, by adding 'which shall include participation in the City's First Source Hiring Program as defined in Section 83.4 of the Administrative Code.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED on Page 3, Lines 12-17, by adding '(5) File annual affidavits with the Office of Economic and Workforce Development detailing the total number of individuals hired, the number of individuals hired who were referred by the San Francisco Workforce Development System, and the duration of employment for each individual hired. The affidavits must be filed with the Office of Economic and Workforce Development on or before January 31 of every year after the year the application is first approved.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 2 - Avalos, Daly

100399 [Contract Modification with Acumen Fiscal Agent, LLC, for the Jobs Now Program - \$19,995,000]**Sponsor: Mayor**

Resolution approving the emergency declaration to modify the contract between the City and County of San Francisco and Acumen Fiscal Agent, LLC, to provide private employer based wage subsidy reimbursements under the City's Jobs Now Program for qualified Jobs Now participants during the period of March 25, 2010, to June 30, 2011, in the additional amount of \$10,000,000 for a total modified contract amount of \$19,995,000.

Privilege of the floor was granted to Cheryl Adams (City Attorney's Office), Ben Rosenfield (Controller), and Trent Rhorer (Human Services) who responded to questions raised throughout the discussion regarding File No. 100399.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be RE-REFERRED to the Budget and Finance Sub-Committee. The motion carried by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

From the City Operations and Neighborhood Services Committee with Recommendation "Do Not Pass"

100103 [Prohibition on Tobacco Sales Within 1,000 Feet of a School]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier introduced, welcomed, and presented Certificates of Honor to Dr. Dave Atkin and Dr. Karen Makely, from Operation Rainbow of St. Luke's Hospital, in recognition of their accomplishments and continued community support.

Supervisor Alioto-Pier introduced, welcomed, and presented Certificates of Honor to Leigh Maurus and Amy Hall McNamara, along with Lucy Hume, Lana Adair, Meg Bertero, and Melissa Barber, from the Friends of the Presidio Heights Playground, in recognition of their accomplishments and continued community support.

Supervisors Chiu, Chu, and Mar, in conjunction with the Asian Pacific American Heritage Month and the Asian Pacific American Heritage Awards Committee, introduced, welcomed, and presented Certificates of Honor to Harriet Hu, Thomas Li, Anna Liu, Jane Xiao, Dr. Edward Chow, Thuy Doan, Maimai Q. Ho, and representatives from the Asian and Pacific Islander Wellness Center, Asian Student Union, California Dragon Boat Association, and Kearney Street Workshop in recognition of their accomplishments and continued community support.

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to David Noyola, Legislative Aide, in recognition of his accomplishments during his tenure with the Board of Supervisors.

SPECIAL ORDER 4:00 P.M.**100447 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 1111 California Street (Nob Hill Masonic Center) Project]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 18, 2010, Case No. 2009.0183E, that a project located at 1111 California Street is exempt from environmental review under Categorical Exemption, Class 32 (State CEQA Guidelines Section 15332). The proposed project involves interior changes to the building, which would result in an increase of the person-occupancy of the Masonic auditorium from 3,282 to 3,500 (an increase in 218 persons) for standing concert events and a reduction in the person-occupancy of the Exhibition Hall by 220 persons. A maximum of 95 evening live entertainment events would be held at the Masonic Center annually, compared to an average of about 50 such events in recent years. The project would not result in any exterior modifications or changes to the building envelope. The project site is located at the southeast corner of California and Taylor Streets on a block bounded by Jones and Pine Streets in the Nob Hill neighborhood on property within the RM-4 (Residential Mixed, High-Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, on property located at 1111 California Street (Nob Hill Masonic Center), Lot No. 020 in Assessor's Block No. 0253. (District 3) (Appellants: Aldo Caccamo, Rich Hanson, Amy Harmer, Adria Price, William Terrell, Elizabeth Pomada, Donna Muse, and David Chow; and David Millstein, on behalf of Lee Saylor.) (Clerk of the Board)
(Filed April 5, 2010; Companion Measure to File Nos. 100448, 100449, 100450.)

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of an additional CEQA Appeal from Steven Gomez (Nob Hill Coalition), which was received on Friday, April 30, 2010. Cheryl Adams (City Attorney's Office) responded to the question relating to receipt of the additional appeal. President Chiu announced the opportunity for this additional appellant to speak under public comment. The President inquired as to whether any member of the public wished to address the Board relating to both the CEQA or Conditional Use Appeals. David Millstein, Lee Saylor, Rich Hanson, Aldo Caccamo, David Chow, Enrique Landa, Adria Price, Bill Terrell, and Elizabeth Pomada (Appellants) provided an overview of the appeal and further requested the Board to approve the appeals. Denise Rene; Richard Howel; Alyssa Spinner; Steven Gomez (Nob Hill Coalition); Gary Dillo; Catherine Anderson; Female Speaker; Robert Varne; David Stauffer; Michael Larsen; Phil Gough; Male Speaker; Male Speaker; Rene Sessa; Oron Maher; Phyllis Quinn; Scott Gross; Nelson Dudley; Male Speaker; Female Speaker; Lawrence Rader; William Moore; John Vargas; Male Speaker; Female Speaker; Steven Patton; Female Speaker; Jerri Crowley; Judith Berkowitz; and Linda Chapman; spoke in support of the appeals. Brett Bollinger, Larry Badiner, AnMarie Rodgers, and Bill Wycko (Planning Department) provided an overview of the decisions of the Planning Department and responded to questions raised throughout the discussion. Allan Casalou and Steve Fidel (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decisions of the Planning Commission. Lee Smith; Shar Brown; Chris Armentrout; Adam Kendall; Alex Paulock; Molly Mann; Ian Glidden; Jodi Goodman; William Martin; Bonnie Simmons; Aaron Zeff; Kristie Reinders; Nicholas Gerry; Morgan Pitman; Daniel Podvil; Rose Krikland; Nellie Yeo; Victoria Wong; Khalil Sweedy; Craig Johnson; Khalil Sweedy; Male Speaker; Steve Buckholds; Stacey Robson; Male Speaker; and Female Speaker; spoke in support of the project and in opposition to the appeal. Alice Barkley (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

100448 [Affirming Planning Department Determination of Exemption for 1111 California Street (Nob Hill Masonic Center) Project]

Motion affirming the determination by the Planning Department that the project located at 1111 California Street (Nob Hill Masonic Center) is exempt from environmental review. (Clerk of the Board)

Motion No. M10-71

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

100449 [Reversing Planning Department Determination of Exemption Issued for 1111 California Street (Nob Hill Masonic Center) Project]

Motion reversing the determination by the Planning Department that the 1111 California Street (Nob Hill Masonic Center) project is exempt from environmental review. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

100450 [Preparation of Findings to Reverse the Determination of Exemption for the 1111 California Street (Nob Hill Masonic Center) Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 1111 California Street (Nob Hill Masonic Center) is exempt from environmental review. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.**100451 [Public Hearing - Appeal of Conditional Use for 1111 California Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 18042 dated March 4, 2010, relating to the approval, of a conditional use authorization (Case No. 2008.1072C), to change the existing non-conforming entertainment use of the "Nob Hill Masonic Center" to "Other Entertainment," pursuant to Planning Code Sections 182(B)(1) and 723.48, and to add permanent food and beverage service for patrons of entertainment and assembly events, pursuant to Planning Code Section 238(D), on a property within the RM-4 (Residential Mixed, High-Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, on property located at 1111 California Street, Lot No. 020 in Assessor's Block No. 0253. (District 3) (Appellants: William Terrell, Aldo Caccamo, Chris Freeman, Enrique Landa, Elizabeth Pomada, and Donna Muse) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 100452, 100453, 100454.)

See File No. 100447 above.

HEARD AT PUBLIC HEARING

100452 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1111 California Street]

Motion approving decision of the Planning Commission by its Motion No. 18042, approving Conditional Use Application No. 2008.1072C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

100453 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1111 California Street; Approving Conditional Use with Amended and Additional Conditions]

Motion disapproving decision of the Planning Commission by its Motion No. 18042, approving Conditional Use Application No. 2008.1072C on property located at 1111 California Street. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

Motion disapproving decision of the Planning Commission by its Motion No. 18042, approving Conditional Use Application No. 2008.1072C on property located at 1111 California Street and authorizing conditional use subject to the conditions imposed by the Planning Commission, by its Motion No. 18042, as amended by the Board on May 4, 2010, and further subject to additional conditions imposed by the Board of Supervisors on May 4, 2010. (Clerk of the Board)

Motion No. M10-72

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

100454 [Preparation of Findings Related to the Conditional Use Appeal for 1111 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2008.1072C on property located at 1111 California Street, for action by the Board by May 25, 2010. (Clerk of the Board)

Motion No. M10-73

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Alioto-Pier

COMMITTEE REPORTS

Recommendations of the Land Use and Economic Development Committee

100332 [Revisions to Integrated Project Delivery Construction Contracting Procedures; Signature Authority for Administrative Code Chapter 6 Contracts and Related Documents]

Sponsors: Maxwell; Mar and Chiu

Ordinance amending San Francisco Administrative Code Chapter 6 to revise Section 6.68 concerning integrated project delivery contracting procedures and revise Subsection 6.1(H) to allow a department head to designate an individual to execute, on his or her behalf, contracts awarded under Chapter 6 and related documents.

Supervisors Chiu and Daly requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100333 [Bid Discount for Small and Micro-Local Business Enterprises that Joint Venture to Bid on Construction Contracts]

Sponsors: Maxwell; Mar and Chiu

Ordinance amending Administrative Code Section 14B.7(F) to grant bid discounts to Small and Micro-Local Business Enterprises that joint venture with other firms to bid on construction contracts.

Supervisor Chiu requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns in Arabic and English.

James Chaffee; expressed concerns relating to the SF Public Library.

Colin Gallagher; expressed various concerns.

Ray Hartz; expressed concerns relating to government.

Toni Dukes; expressed concerns relating to recent layoffs.

Walter Paulson; shared in song certain concerns with the Board.

Edmond Juicy; expressed various concerns.

Peter Warfield; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**100244 [Declaring May 2010 Building Safety Month]****Sponsor: Avalos**

Resolution declaring May 2010 as Building Safety Month in the City and County of San Francisco and urging support for supporting public safety efforts by the Department of Building Inspection and recognizing public employees for their contributions to San Francisco's structural safety and well-being.

ADOPTED**100257 [Calling for Comprehensive Immigration Reform and Condemning Immigration and Customs Enforcement Audits of San Francisco Businesses]****Sponsors: Campos; Mar, Avalos, Mirkarimi, Chiu, Dufty, Elsbernd, Daly, Alioto-Pier and Maxwell**

Resolution calling upon United States Congress to pass Comprehensive Immigration Reform that will solve the problem of undocumented immigration at its roots instead of through piecemeal enforcement-only measures, and condemning Immigration and Customs Enforcement audits of San Francisco businesses, including a unionized company.

Supervisor Maxwell requested to be added as a co-sponsor.

ADOPTED**100285 [Federal Disaster Corps Grants Administered by the California Volunteers]****Sponsor: Mayor**

Resolution authorizing designated City and County of San Francisco officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance through the federal Disaster Corps Grant administered by California Volunteers.

ADOPTED**100286 [Supporting Assembly Bill 1900 Relating to Inmates]****Sponsor: Mirkarimi**

Resolution urging the State Legislature to pass Assembly Bill 1900 relating to inmates.

ADOPTED

100220 [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interests by Eminent Domain]**Sponsor: Mayor**

Motion that the Board of Supervisors hold a public hearing on May 18, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of: (1) a temporary interest in real property in Alameda County known as Assessor's Parcel #513-0065-011-02 in Fremont, owned by Malik A. Alarab, Trustee, and Barbara E. Alarab, Trustee; (2) a temporary interest in real property in Alameda County known as Assessor's Parcel # 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin; and (3) a temporary interest and a permanent interest in portions of real property in Alameda County known as Assessor's Parcel # 096-0080-004 in Sunol, owned by Carolyn Marie Garcia and Stanley A. Garcia, Trustees, by eminent domain, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

Motion No. M10-74**APPROVED****100489 [Final Map 3191 - 1124 Leavenworth Street]**

Motion approving Final Map 3191, a Six Unit Residential Condominium Project, located at 1124 Leavenworth Street being a subdivision of Lot No. 015 in Assessors Block No. 0247 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

Motion No. M10-75**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Daly requested that File No. 100006 be severed so that it may be considered separately.

100006 [Authorizing the Director of Elections to Make Confidential Certain Voter Registration Information Pertaining to Public Safety Officers]**Sponsor: Chiu**

Resolution authorizing the Director of Elections to, upon proper application of a public safety officer, make confidential that officer's residential address, telephone number and e-mail address appearing on the affidavit of registration, in accordance with California Elections Code Section 2166.7.

REFERRED to the Public Safety Committee

Supervisors Campos and Elsbernd requested that File No. 100256 be severed so that it may be considered separately.

100256 [Calling for a Boycott of the State of Arizona and Arizona-Based Businesses Until Arizona Repeals Senate Bill 1070]

Sponsors: Campos; Chiu, Avalos, Dufty, Daly, Mirkarimi and Mar

Resolution denouncing Arizona State Senate Bill 1070, a law that seeks to implement Arizona's own scheme of immigration regulation and will inevitably lead to racial profiling of people of color and limited English proficient persons, calling for a boycott of the State of Arizona and Arizona-based businesses, and endorsing the City Attorney's offer to cooperate in a lawsuit challenging Arizona State Senate Bill 1070.

Supervisor Campos, seconded by Supervisor Avalos, moved that this Resolution be AMENDED on Page 2, Line 17, by deleting '(1)' after 'City Departments;' on Page 2, Line 18, by adding '(1)' before 'to refrain from entering;' on Page 3, Line 18, by adding 'Interim' before 'President;' and replacing 'Myles Brand' with 'Jim Isch.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED to May 11, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100358 [Settlement of Lawsuit - Noah Booher - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Noah Booher against the City and County of San Francisco for \$35,000; the lawsuit was filed on March 10, 2009, in the United States District Court for the Northern District of California, Case No. C08-1045 MHP, entitled Noah Booher v. City and County of San Francisco et al. (City Attorney)

04/23/10; RECEIVED AND ASSIGNED to Rules Committee.

100359 [Settlement of Lawsuit - Betty C. Bullock - \$134,000]

Ordinance authorizing settlement of the lawsuit filed by Betty C. Bullock against the City and County of San Francisco for \$134,000; the lawsuit was filed on December 1, 2008, in San Francisco Superior Court, Case No. 482347; entitled Betty C. Bullock v. City and County of San Francisco, et al. (City Attorney)

04/23/10; RECEIVED AND ASSIGNED to Rules Committee.

100360 [Recreation and Park Department - Harding Park Fees]

Ordinance amending the San Francisco Park Code by amending Section 12.12, to increase greens fees at Harding Park and Fleming Golf Courses, and making environmental findings. (Recreation and Park Department)

04/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100361 [Settlement of Lawsuit – Assimina Mavromatis - \$29,500]

Ordinance authorizing settlement of the lawsuit filed by Assimina Mavromatis against the City and County of San Francisco for \$29,500; the lawsuit was filed on July 6, 2007, in San Francisco Superior Court, Case No. CGC 07-464948; entitled Assimina Mavromatis, et al., v. City and County of San Francisco, et al. (City Attorney)

04/26/10; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:10 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, May 11, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY 13 2010

SAN FRANCISCO
PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Campos, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of April 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100246 [Permits the Bureau of Delinquent Revenue to Assign Accounts Receivable with a Value of \$10,000 or Less to a Collection Agency]

Sponsor: Mirkarimi

Ordinance amending Section 10.39-1 of the Administrative Code to increase the cap on accounts receivable that the Bureau of Delinquent Revenue may assign to a collection agency from \$4,000 to accounts with a fair market value of \$10,000. (Treasurer-Tax Collector)

FINALLY PASSED

100247 [Additional Penalty for Underreporting Tax by Twenty-five Percent or More]

Ordinance amending Section 6.17-2 of the Business and Tax Regulations Code by adding an additional "substantial underreporting" penalty equal to fifty percent of the unreported tax for underreporting a tax liability by twenty-five percent or more. (Treasurer-Tax Collector)

FINALLY PASSED

100471 [Accept and Expend Grant - American Recovery and Reinvestment Act Energy Efficiency Projects and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$875,957]

Sponsors: Mayor; Dufty

Ordinance authorizing the Department of the Environment to expend a grant in the amount of \$875,957 from the California Energy Commission's State Energy Program through the Association of Bay Area Governments for the deployment of energy efficiency projects in the City and County of San Francisco and amend Ordinance Number 183-09 to reflect the addition of three (3) grant funded positions in the Department of the Environment.

FINALLY PASSED

100419 [Airport Concession Lease with Wells Fargo Bank, N.A.]

Resolution approving the Domestic Terminals Automated Teller Machines Lease "A," between Wells Fargo Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100420 [Airport Concession Lease with JPMorgan Chase Bank, N.A.]

Resolution approving the Domestic Terminals Automated Teller Machines Lease "B," between JPMorgan Chase Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED

100441 [Approval of FY2010-2011 Expenditure Plan for the Human Services Care Fund]

Resolution approving the FY2010-2011 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

ADOPTED

Recommendations of the Land Use and Economic Development Committee

100332 [Revisions to Integrated Project Delivery Construction Contracting Procedures; Signature Authority for Administrative Code Chapter 6 Contracts and Related Documents]

Sponsors: Maxwell; Mar, Chiu and Daly

Ordinance amending San Francisco Administrative Code Chapter 6 to revise Section 6.68 concerning integrated project delivery contracting procedures and revise Subsection 6.1(H) to allow a department head to designate an individual to execute, on his or her behalf, contracts awarded under Chapter 6 and related documents.

FINALLY PASSED

100333 [Bid Discount for Small and Micro-Local Business Enterprises that Joint Venture to Bid on Construction Contracts]**Sponsors: Maxwell; Mar and Chiu**

Ordinance amending Administrative Code Section 14B.7(F) to grant bid discounts to Small and Micro-Local Business Enterprises that joint venture with other firms to bid on construction contracts.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA**UNFINISHED BUSINESS****From the Budget and Finance Sub-Committee Without Recommendation****091269 [Payroll Expense Tax Biotechnology Exclusion Amendment]****Sponsors: Alioto-Pier; Dufty**

Ordinance amending Section 906.1 of the San Francisco Business and Tax Regulations Code to clarify the definition of "biotechnology business" and to allow applicants to claim the biotechnology exclusion for seven and one half (7.5) years irrespective of the application date.
(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 2 - Avalos, Daly

Recommendation of the Land Use and Economic Development Committee**090584 [Requiring Lighting Efficiency Measures in Commercial and City Buildings]****Sponsors: Dufty; Mayor and Chiu**

Ordinance amending the San Francisco Building Code by adding a new Chapter 13D, Sections 1301D through 1311D, to require commercial buildings to increase efficiency of fluorescent lighting by the year 2011; amending the San Francisco Environment Code by dividing Section 705 into Sections 705 through 705.5 and amending them to require City-owned facilities to increase efficiency of fluorescent lighting; adopting findings required by California Health and Safety Code Section 17958.7 and environmental findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100496 [Accept and Expend Grant - California Emergency Management Agency and Amendment to the Annual Salary Ordinance for FY2009-2010 - \$505,599]

Sponsor: Dufty

Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of \$505,599 from the California Emergency Management Agency for a pilot program funded by Senate Bill 678 designed to improve outcomes for 18-25 year old probationers, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one (1) grant-funded position (0.25 FTE) in Class 8444 Deputy Probation Officer at the Department of Adult Probation.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100351 [Airport 2011 Lease and Use Agreements with Various Airlines]

Resolution approving a term of twenty five (25) new Lease and Use Agreements between the City and County of San Francisco and various airlines, effective July 1, 2011, to allow such airlines to conduct domestic and international flight operations at the San Francisco International Airport. (Airport Commission)
(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100352 [Airline and Airport Lease and Use Agreement Modifications and Lease and Operating Agreement Modifications with Various Airlines]

Resolution approving modifications to the terms of eight (8) Airline and Airport Lease and Use Agreements and eleven (11) Lease and Operating Agreements between the City and County of San Francisco and various airlines to allow such airlines to modify the rental of terminal space and modify the terms of one (1) Airline and Airport Lease and Use Agreement to allow for early termination of said Lease and Use Agreement. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

091251 [Development Fee Collection Procedure; Administrative Fee]

Sponsors: Mayor; Dufty, Daly and Mirkarimi

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or, in the case where a site permit is issued, the first addendum authorizing construction of the project, with a temporary option for the project sponsor to defer payment of 85 percent of the total amount of fees due, or 80 percent of the total amount of fees due if the project is subject to payment of a neighborhood infrastructure impact development fee, to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed, to require that any in-kind public benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; providing that the ordinance's operative date is July 1, 2010; and adopting findings, including environmental findings.

(Economic Impact.)

Supervisors Daly and Mirkarimi requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

091275 [Development Impact and In-Lieu Fees]

Sponsors: Mayor; Dufty

Ordinance amending the San Francisco Planning Code to create Article 4 for development impact fees and requirements, move Planning Code Sections 135(j), 135.3(d), 135.3(e), 139, 143, 149, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4, and renumber and amend the sections; to provide that the Department of Building Inspection will collect the development fees prior to issuance of the first building permit or other document authorizing project construction and verify that any in-kind public improvements required in lieu of a development fee are implemented prior to issuance of the first certificate of occupancy; to allow a project sponsor to defer payment of a development fee upon agreeing to pay a deferral surcharge (Fee Deferral Program), which option shall expire after three years unless further extended; to require the Planning Commission to hold a hearing prior to expiration of the Fee Deferral Program to review its effectiveness and make recommendations to the Board of Supervisors; to add introductory sections to Article 4 for standard definitions and procedures, delete duplicative code provisions and use consistent definitions, language and organization throughout; to require annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; to provide that the ordinance's operative date is July 1, 2010; and to instruct the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number; adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

100048 [Amendment to Solar Energy Incentive Program]**Sponsors: Daly; Mirkarimi and Mar**

Ordinance amending the San Francisco Environment Code Sections 18.2, 18.4, 18.7-2, and 18.7-4, to: (1) require all systems receiving City incentives be installed by an individual, firm or organization qualified as a workforce development installer by the Office of Economic & Workforce Development, unless specified exceptions apply, and (2) eliminate increased incentives for residential properties in the case of systems installed by individuals trained under the City workforce development program.

Supervisor Mar requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100492 [Supplemental Agreement to Install an Additional Water Pipeline Over Union Pacific Railroad Company Property in Stanislaus County]

Resolution approving and authorizing a Supplemental Agreement with Union Pacific Railroad Company to install an additional water pipeline within an existing easement area over Railroad property near the City of Oakdale in Stanislaus County required for the San Joaquin Pipeline System Project No. CUW37301 for a fee of \$2,500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Supervisor Mirkarimi, seconded by Supervisor Campos, moved to waive Rule 4.29 of the Rules of Order of the Board of Supervisors to suspend the start time for commendations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Sunny Buxton, drummer with the Final Billy Strayhorn Trio and co-owner of Jazz at Pearl's in San Francisco in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.**100252 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 100 - 32nd Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 19, 2009, Case No. 2007.0129E, that a project located at 100 - 32nd Avenue is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1)). The proposal would add a three-story side horizontal addition and would enlarge the existing partial fourth floor at the existing four-story, single-family residence located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District, in Assessor's Block No. 1312, Lot No. 008. (District 2) (Appellant: Stephen M. Williams on behalf of Sanford Garfinkel, other neighbors, and the Lincoln Park Neighborhood Association) (Clerk of the Board)

(Filed March 1, 2010; Companion Measure to File Nos. 100253, 100254, 100255.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to June 8, 2010. There were no speakers. The President continued the public hearing open to June 8, 2010.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Hearing be CONTINUED to June 8, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100253 [Affirming the Exemption Determination for 100 – 32nd Avenue]

Motion affirming the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED to June 8, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100254 [Reversing the Exemption Determination Issued for 100 – 32nd Avenue]

Motion reversing the determination by the Planning Department that the 100 - 32nd Avenue project is exempt from environmental review.

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED to June 8, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100255 [Preparation of Findings Related to the Exemption Determination for the 100 – 32nd Avenue Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Mar, moved that this Motion be CONTINUED to June 8, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.**100415 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 424 Francisco Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated March 10, 2010, that a project located at 424 Francisco Street (Building Permit Application No. 2004.01.22.4627, Case No. 2009.0914D) is exempt from environmental review under Categorical Exemption, Class 1. The proposal would install a garage opening within the subject building to accommodate six (6) off-street parking spaces. The subject property is within the North Beach Neighborhood Commercial District with a 40-X Height and Bulk District, Lot No. 010 in Assessor's Block No. 0041. (District 3) (Appellants Malcolm Yeung on behalf of Chinatown Community Development Center and Vedica Puri on behalf of Telegraph Hill Dwellers.) (Clerk of the Board) (Filed March 30, 2010; Companion Measure to File Nos. 100416, 100417, 100418.)

The President inquired as to whether any member of the public wished to address the Board. Omar Calimbas (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Malcolm Yeung; Zack Stewart; Zack Collins; Wen Ku Le; and Howard Wong; spoke in support of the appeal. Tara Sullivan, Nannie Turrell, and Tim Frye (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Marlena Byrne (City Attorney's Office) responded to questions raised throughout the discussion. Vincent Marsh and Wilson Yu (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. York Whittenburg spoke in support of the project and in opposition to the appeal. Omar Calimbas (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

Supervisor Maxwell was noted absent at 4:55 p.m.

HEARD AT PUBLIC HEARING

100416 [Affirming Planning Department Determination of Exemption for 424 Francisco Street]

Motion affirming the determination by the Planning Department that the project located at 424 Francisco Street is exempt from environmental review. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Absent: 1 - Maxwell

100417 [Reversing the Planning Department Determination of Exemption Issued for 424 Francisco Street]

Motion reversing the determination by the Planning Department that the 424 Francisco Street project is exempt from environmental review. (Clerk of the Board)

Motion No. M10-78

Supervisor Chiu, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Absent: 1 - Maxwell

100418 [Preparation of Findings to Reverse the Planning Department Determination of Exemption for the 424 Francisco Street Project]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 424 Francisco Street is exempt from environmental review. (Clerk of the Board)

Supervisor Chiu, seconded by Supervisor Daly, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Absent: 1 - Maxwell

Motion No. M10-79

Supervisor Chiu, seconded by Supervisor Daly, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Absent: 1 - Maxwell

COMMITTEE REPORTS

Recommendation of the Rules Committee

100522 [Appointment, Board of Appeals - Christine Hwang]

Motion appointing Christine Hwang, term ending July 1, 2014, to the Board of Appeals. (Clerk of the Board)

Christine Hwang, seat 2, succeeding Rafael Mandelman, must be a nominee of the President of the Board of Supervisors approved by the Board of Supervisors, for the term ending on July 1, 2014.

Motion No. M10-76

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

100330 [Veterans Commons Special Use District - 150 Otis Street]

Sponsors: Chiu; Mirkarimi

Ordinance adding Planning Code Section 249.46 to establish the Veterans Commons Special Use District for property located at 150 Otis Street, Block No. 3513, Lot No. 07; amending the City's Zoning Map, Sheet Nos. HT07 and SU07 to change the height district from 85 to 125 feet and reflect the boundaries of the Veterans Commons Special Use District; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Supervisor Mirkarimi requested to be added as a co-sponsor.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns in Arabic and English.
James Chaffee; expressed concerns relating to the SF Public Library.
Walter Paulson; shared in song certain concerns with the Board.
John DiDonna; expressed support for Hank Williams Sr. prize.
Nancy de Y. Elkus; expressed concerns relating to funding for Meridian Youth Program.
Thao To; expressed concerns relating to funding for Meridian Youth Program.
Peter Selz; expressed concerns relating to funding for Meridian Youth Program.
Carolyn De La Cruz; expressed concerns relating to funding for Meridian Youth Program.
Joshua Hughes; expressed concerns relating to funding for Meridian Youth Program.
Ann Brodsky; expressed concerns relating to funding for Meridian Youth Program.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Emil Lawrence; expressed concerns relating to access to public records.
Nancy Cross; expressed concerns relating to housing for the homeless.*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100531 [Accept and Expend Grant - San Francisco Arts Commission's WritersCorps Artist in Schools Program - \$9,600]

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant totaling \$9,600 from the California Arts Council's Artists in Schools Program to help support the cost of a contracted teaching artist working at Mission High School.

ADOPTED

100533 [Accept and Expend Grant - San Francisco Arts Commission's Arts Education Program - \$15,000]**Sponsor: Mayor**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$15,000 from the California Arts Council State Local Partnership Program to help support the Arts Commission's Arts Education Program.

ADOPTED**100539 [Request for Redevelopment Agency Audit]****Sponsors: Mirkarimi; Campos**

Resolution requesting the Redevelopment Agency of the City and County of San Francisco to consent to an audit of selected activities related to the implementation of the expired Western Addition A-2 Redevelopment Plan.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED**100540 [Opposing the Dirty Energy Proposition, also known as Attorney General Initiative #09-0104]****Sponsors: Mirkarimi; Alioto-Pier, Maxwell, Campos and Mar**

Resolution opposing the Dirty Energy Proposition, also known as Attorney General Initiative # 09-0104 designed to suspend the implementation of The California Global Warming Solutions Act of 2006.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED**100541 [Grant Application - Strategic Growth Council Urban Greening Program]****Sponsor: Mar**

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to complete an Urban Forest Master Plan.

ADOPTED**100542 [Acceptance of Gift - Airport Congressman Tom Lantos Commemorative Plaque - \$15,000]****Sponsors: Elsbernd; Dufty and Alioto-Pier**

Resolution approving the Airport's acceptance of a gift of a commemorative plaque, valued at \$15,000, honoring the late Congressman Tom Lantos from the Lantos Foundation to be placed in the Terminal 3 Hub at the Airport.

ADOPTED

100543 [Requesting the Controller's Office to Conduct a Review and Analysis of the Funding Recommendations of the Department of Children, Youth and Their Families for FY2010-2011 through FY2012-2013]

Sponsors: Duffy; Campos, Maxwell, Chiu and Mar

Resolution requesting that the Controller's Office conduct a review and analysis of the funding recommendations of the Department of Children, Youth and Their Families for FY2010-2011 through FY2012-2013.

Supervisor Mar requested to be added as a co-sponsor.

ADOPTED

100545 [Proclaiming Public Works Week in San Francisco - May 16-22, 2010]

Sponsors: Chiu; Campos

Resolution proclaiming May 16-22, 2010, as Public Works Week in San Francisco.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100546 [Accept and Expend Grant - Back on Track Program - \$52,355.57]

Sponsor: Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$52,355.57 through the San Francisco Foundation, for a program entitled "Back on Track Re-entry Program" for FY2009-2010 and FY2010-2011.

ADOPTED

100547 [Accept and Expend Grant - Criminal Restitution Compact - \$88,538]

Sponsor: Chiu

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to \$88,538 allocated from the California Victim Compensation and Government Claims Board for a project entitled "Criminal Restitution Compact" for the period of July 1, 2009, through June 30, 2011.

ADOPTED

100548 [Supporting Assembly Bill 1871 Regarding Amending State Car Insurance Laws to Allow Personal Vehicles to be Used in Car-Sharing Programs]

Sponsors: Alioto-Pier; Chiu and Campos

Resolution supporting Assembly Bill 1871 to amend state car insurance laws to allow personal vehicles to be used in car-sharing programs.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100558 [Urging the United States Department of Agriculture to Declare the Light Brown Apple Moth a Non-Actionable Pest]**Sponsors:** Alioto-Pier; Mirkarimi

Resolution urging the United States Department of Agriculture to declare the Light Brown Apple Moth a non-actionable pest in order to end the Light Brown Apple Moth eradication project that could expose San Franciscans to unacceptable and unnecessary levels of pesticide exposure.

Supervisor Mirkarimi requested to be added as a co-sponsor.

ADOPTED**100550 [Committee of the Whole - Issuance of Revenue Bonds by the California Municipal Finance Authority - May 18, 2010]****Sponsor:** Daly

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 18, 2010, at 3:00 p.m., to hold a public hearing on the issuance of revenue bonds by the California Municipal Finance Authority for the purpose of financing or refinancing the acquisition of the State office buildings known as the Public Utilities Commission Building and/or the San Francisco Civic Center.

Motion No. M10-77**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File Nos. 100256 and 100544 be severed so that they may be considered separately.

100256 [Calling for a Boycott of the State of Arizona and Arizona-Based Businesses Until Arizona Repeals Senate Bill 1070]

Sponsors: Campos; Chiu, Avalos, Dufty, Daly, Mirkarimi and Mar

Resolution denouncing Arizona State Senate Bill 1070, a law that seeks to implement Arizona's own scheme of immigration regulation and will inevitably lead to racial profiling of people of color and limited English proficient persons, calling for a boycott of the State of Arizona and Arizona-based businesses, and endorsing the City Attorney's offer to cooperate in a lawsuit challenging Arizona State Senate Bill 1070.

Supervisor Elsbernd moved to divide the question relating to "RESOLVED clauses" located on Page 2, Line 16, through Page 3, Line 5.

The question relating to the RESOLVED clauses was PASSED as divided by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

ADOPTED AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100544 [Urging our Federal Representatives to Denounce the Burmese Military Regime's Illegitimate 2010 Election and Recognizing May 27, 2010, as Burma Democracy Day]

Sponsor: Daly

Resolution denouncing the Burmese military regime's illegitimate 2010 election and recognizing May, 27, 2010, as Burma Democracy Day in honor of the 20th Anniversary of the 1990 Elections.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Resolution be AMENDED on Page 1, Line 1, by adding 'Urging our Federal Representatives to' before 'Denouncing' and changing 'Denouncing' to 'Denounce;' on Page 1, Line 3, by adding 'urging our Federal representatives to' after 'Resolution' and changing 'denouncing' to 'denounce;' and on Page 3, Line 23, by adding 'to urge our Federal representatives to' after 'Supervisors.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Resolution urging our Federal representatives to denounce the Burmese military regime's illegitimate 2010 election and recognizing May, 27, 2010, as Burma Democracy Day in honor of the 20th Anniversary of the 1990 Elections.

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu requested that File No. 100538 be severed so that it may be considered separately.

100538 [Supporting Outreach and Education Regarding Smart Meters to Prevent Power Service Disconnections]

Sponsor: Mar

Resolution supporting outreach and education regarding Smart Meters to prevent power service disconnections.

Supervisor Chu, seconded by Supervisor Mar, moved that this Resolution be CONTINUED to May 18, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

100364 [Major Encroachment for San Francisco State University to Place Utilities Under Font Boulevard]

Resolution granting a revocable major encroachment permit to San Francisco State University to occupy a portion of the public right-of-way to install and maintain private underground utilities crossing Font Boulevard to serve properties within Assessor Block 7304; making findings, including environmental findings and findings of consistency with the General Plan and the Eight Priority Policies of Planning Code Section 101.1. (Public Works Department)

04/28/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100365 [Amendment to Agreement with Avaya, Inc. to Extend the Term and Increase the Amount of the Contract to \$13,367,321]

Resolution retroactively authorizing the Department of Technology to enter into the Fourth Amendment of an agreement with Avaya, Inc. and increasing the maximum expenditure under the contract to \$13,367,321. (Department of Technology)

05/03/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:47 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, May 18, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY 20 2010

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PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

1:30 PM

Wednesday

11:00 AM

1st and 3rd Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Duffy, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Duffy, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of April 20, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Alioto-Pier

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on May 17, 2010, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.

Supervisor Alioto-Pier was noted present at 2:12 p.m.

CONSENT AGENDA

Recommendation of the Budget and Finance Sub-Committee

100496 [Accept and Expend Grant - California Emergency Management Agency and Amendment to the Annual Salary Ordinance for FY2009-2010 - \$505,599]

Sponsor: Dufty

Ordinance authorizing the Department of Adult Probation to retroactively accept and expend a grant in the amount of \$505,599 from the California Emergency Management Agency for a pilot program funded by Senate Bill 678 designed to improve outcomes for 18-25 year old probationers, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one (1) grant-funded position (0.25 FTE) in Class 8444 Deputy Probation Officer at the Department of Adult Probation.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

100498 [Emergency Designation of the Director of Public Works, as Agent, to Apply for, Receive, and Expend Federal Disaster Relief Funds for the Great Highway]

Sponsor: Chu

Resolution authorizing the Director of Public Works, to act as the agent of the City and County of San Francisco, as a non-state agency, to apply for, accept, and expend federal financial assistance under P.L. 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act to address the emergency condition of the severe erosion along the Great Highway.

ADOPTED

100499 [Accept and Expend Grant - Green Business Tracking and Measurement Tool - \$74,500]

Sponsor: Chu

Resolution authorizing the Department of the Environment of the City and County of San Francisco to accept funding in the amount of \$74,500 from the California Department of Toxic Substances Control to continue to develop and operate the green business tracking and measurement tool.

ADOPTED

Recommendations of the Land Use and Economic Development Committee**091251 [Development Fee Collection Procedure; Administrative Fee]****Sponsors: Mayor; Dufty, Daly, Mirkarimi and Chu**

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or, in the case where a site permit is issued, the first addendum authorizing construction of the project, with a temporary option for the project sponsor to defer payment of 85 percent of the total amount of fees due, or 80 percent of the total amount of fees due if the project is subject to payment of a neighborhood infrastructure impact development fee, to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed, to require that any in-kind public benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; providing that the ordinance's operative date is July 1, 2010; and adopting findings, including environmental findings.

(Economic Impact.)

Supervisor Chu requested to be added as a co-sponsor.

FINALLY PASSED

100048 [Amendment to Solar Energy Incentive Program]**Sponsors: Daly; Mirkarimi and Mar**

Ordinance amending the San Francisco Environment Code Sections 18.2, 18.4, 18.7-2, and 18.7-4, to: (1) require all systems receiving City incentives be installed by an individual, firm or organization qualified as a workforce development installer by the Office of Economic & Workforce Development, unless specified exceptions apply, and (2) eliminate increased incentives for residential properties in the case of systems installed by individuals trained under the City workforce development program.

FINALLY PASSED

100330 [Veterans Commons Special Use District - 150 Otis Street]**Sponsors: Chiu; Mirkarimi**

Ordinance adding Planning Code Section 249.46 to establish the Veterans Commons Special Use District for property located at 150 Otis Street, Block No. 3513, Lot No. 07; amending the City's Zoning Map, Sheet Nos. HT07 and SU07 to change the height district from 85 to 125 feet and reflect the boundaries of the Veterans Commons Special Use District; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee**100358 [Settlement of Lawsuit - Noah Booher - \$35,000]**

Ordinance authorizing settlement of the lawsuit filed by Noah Booher against the City and County of San Francisco for \$35,000; the lawsuit was filed on March 10, 2009, in the United States District Court for the Northern District of California, Case No. C08-1045 MHP, entitled Noah Booher v. City and County of San Francisco et al. (City Attorney)

PASSED, ON FIRST READING

100359 [Settlement of Lawsuit - Betty C. Bullock - \$134,000]

Ordinance authorizing settlement of the lawsuit filed by Betty C. Bullock against the City and County of San Francisco for \$134,000; the lawsuit was filed on December 1, 2008, in San Francisco Superior Court, Case No. 482347; entitled Betty C. Bullock v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100361 [Settlement of Lawsuit - Assimina Mavromatis - \$29,500]

Ordinance authorizing settlement of the lawsuit filed by Assimina Mavromatis against the City and County of San Francisco for \$29,500; the lawsuit was filed on July 6, 2007, in San Francisco Superior Court, Case No. CGC 07-464948; entitled Assimina Mavromatis, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100515 [Settlement of Lawsuit - Blackhawk Parent LLC - \$250,000]

Ordinance authorizing settlement of tax refund lawsuit filed by Blackhawk Parent LLC, against the City and County of San Francisco for \$250,000; the lawsuit entitled Blackhawk Parent LLC v. City and County of San Francisco, Case No. 478-160 filed August 1, 2008, in San Francisco Superior Court. (City Attorney)

PASSED, ON FIRST READING

100422 [Appointments, Medical Cannabis Task Force - Stephanie Tucker, David Goldman, Shona Gochenhaur, Mary Schroeder, Raymond Gamley, Martin Olive, Kevin Reed, Sarah Shrader, Patrick Goggin, Albert Blais, Joseph Erich Pearson, Michelle Aldrich and Maureen Burns]

Motion appointing Stephanie Tucker, David Goldman, Shona Gochenhaur, Mary Schroeder, Raymond Gamley, Martin Olive, Kevin Reed, Sarah Shrader, Patrick Goggin, Albert Blais, Joseph Erich Pearson, Michelle Aldrich and Maureen Burns, terms to be determined, to the Medical Cannabis Task Force. (Clerk of the Board)

Motion No. M10-80

APPROVED

100523 [Appointment, Reentry Council - Ronald Sanders]

Motion appointing Ronald Sanders, term ending July 17, 2011, to the Reentry Council. (Clerk of the Board)

Motion No. M10-81

APPROVED

100524 [Appointments, Sunshine Ordinance Task Force - David Snyder, Richard Knee, Sue Cauthen, Allyson Washburn, Bruce Wolfe, Hanley Chan and Hope Johnson]

Motion appointing David Snyder, Richard Knee, Sue Cauthen, Allyson Washburn, Bruce Wolfe, Hanley Chan and Hope Johnson, terms ending April 27, 2012, to the Sunshine Ordinance Task Force, residency requirement waived. (Clerk of the Board)

Motion No. M10-82

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100587 [Adopting Findings to Reverse Certification of the 555 Washington Street Project Final Environmental Impact Report]

Sponsors: Chiu; Daly, Mirkarimi, Campos, Mar and Avalos

Motion adopting findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 555 Washington Street Project.

Motion No. M10-83

APPROVED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

100588 [Adopting Findings Related to the Conditional Use Appeal on Property Located at 1111 California Street]

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18042, approving Conditional Use Application 2008.1072C on property located at 1111 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Motion be **AMENDED** on page 2, Lines 14 and 15 by adding 'pre-' before 'holiday.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Motion No. M10-84**APPROVED AS AMENDED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 2 - Alioto-Pier, Dufty

Recommendation of the Land Use and Economic Development Committee**091275 [Development Impact and In-Lieu Fees]****Sponsors: Mayor; Dufty and Chu**

Ordinance amending the San Francisco Planning Code to create Article 4 for development impact fees and requirements, move Planning Code Sections 135(j), 135.3(d), 135.3(e), 139, 143, 149, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4, and renumber and amend the sections; to provide that the Department of Building Inspection will collect the development fees prior to issuance of the first building permit or other document authorizing project construction and verify that any in-kind public improvements required in-lieu of a development fee are implemented prior to issuance of the first certificate of occupancy; to allow a project sponsor to defer payment of a development fee upon agreeing to pay a deferral surcharge (Fee Deferral Program), which option shall expire after three years unless further extended; to require the Planning Commission to hold a hearing prior to expiration of the Fee Deferral Program to review its effectiveness and make recommendations to the Board of Supervisors; to add introductory sections to Article 4 for standard definitions and procedures, delete duplicative code provisions and use consistent definitions, language and organization throughout; to require annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; to provide that the ordinance's operative date is July 1, 2010; and to instruct the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number; adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

Supervisor Chu requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100470 [Appropriating Surplus Revenues and Expenditures to Support Cost Overruns in the Department of Public Health for FY2009-2010 - \$20,807,609]

Sponsor: Mayor

Ordinance appropriating \$20,807,609, including appropriating \$19,923,697 of surplus San Francisco General Hospital revenue and \$7,500 of Laguna Honda Hospital revenues, de-appropriating \$876,412 of Laguna Honda Hospital and non-hospital operations expenditures, to fund cost overruns in the Department of Public Health, including \$13,258,088 at San Francisco General Hospital, \$6,176,521 at Laguna Honda Hospital, and \$1,373,000 in non-hospital operations, for FY2009-2010.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100436 [Amendment to the Design Agreement for the Laguna Honda Hospital Replacement Program - \$50,799,281]

Sponsor: Elsbernd

Resolution authorizing the Director of Public Works to execute an amendment to the design agreement for the Laguna Honda Hospital Replacement Program increasing the contract amount from \$44,633,529 to \$50,799,281.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100527 [Accept and Expend Grant - Human Services Agency's Temporary Assistance to Needy Families Emergency Contingency Fund as Part of the American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$20,014,497]

Sponsor: Mayor

Ordinance amending the FY2009-2010 Annual Salary Ordinance (Ordinance No. 183-09) to reflect the addition of temporary and permanent salaries of \$8,496,952 and authorizing the Human Services Agency to retroactively accept and expend a grant in the amount of \$20,014,497 from the United States Department of Health and Human Services, Temporary Assistance to Needy Families Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to support the Mayor's Jobs NOW Program.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100442 [Contract Approval with Global Tel*Link for Inmate Telephone Services]

Resolution approving a contract for operating the Sheriff's Inmate Telephone Services, between Global Tel*Link and the City and County of San Francisco, acting by and through the Sheriff's Department. (Sheriff)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100493 [Finding of Fiscal Feasibility of Runway Safety Area Project at San Francisco International Airport]

Resolution finding the proposed Runway Safety Area project at San Francisco International Airport fiscally feasible pursuant to Administrative Code Chapter 29. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Land Use and Economic Development Committee**100428 [Endorsement of Term Sheet with the Treasure Island Homeless Development Initiative]**

Sponsors: Mayor; Daly, Chiu, Dufty and Chu

Resolution endorsing the Term Sheet for the Amended and Restated Base Closure Homeless Assistance Agreement with the Treasure Island Homeless Development Initiative.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100429 [Endorsement of Terms of Economic Development Conveyance Memorandum of Agreement for Treasure Island]

Sponsors: Mayor; Daly, Chiu, Dufty and Chu

Resolution endorsing the Terms of Economic Development Conveyance Memorandum of Agreement for the Transfer of Former Naval Station Treasure Island from the United States Government to the Treasure Island Development Authority.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100432 [Endorsement of Update to Development Plan and Term Sheet for the Redevelopment of Treasure Island]

Sponsors: Mayor; Daly, Chiu, Dufty and Chu

Resolution endorsing the Update to Development Plan and Term Sheet for the Redevelopment of Former Naval Station Treasure Island with Treasure Island Community Development, LLC.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Public Safety Committee**100006 [Authorizing the Director of Elections to Make Confidential Certain Voter Registration Information Pertaining to Public Safety Officers]****Sponsor: Chiu**

Resolution authorizing the Director of Elections to, upon proper application of a public safety officer, make confidential that officer's residential address, telephone number and e-mail address appearing on the affidavit of registration, in accordance with California Elections Code Section 2166.7.

Supervisor Daly moved to divide the question relating to telephone number and e-mail address.

The question relating to telephone number and e-mail address was PASSED as divided by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

ADOPTED AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100497 [Authorizing the Emergency Medical Services Agency to Conduct Criminal Background Checks]**Sponsor: Alioto-Pier**

Resolution authorizing the San Francisco Emergency Medical Services Agency to conduct criminal background checks pursuant to state law for the purpose of certifying emergency medical technicians.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Alioto-Pier was noted absent at 4:55 p.m.

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100221 [Public Hearing - Authorizing the Acquisition of Real Property by Eminent Domain - Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project]**

Hearing of persons interested in or objecting to proposed Resolution authorizing acquisition of the following interests in real property in Alameda County: (1) a temporary construction easement in a portion of Assessor's Parcel No. 13-0065-011-02 in Fremont, owned by Malik A. Alarab, Trustee, and Barbara E. Alarab, Trustee; (2) a temporary construction easement in a portion of Assessor's Parcel No. 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin; and (3) a temporary construction easement and a permanent subsurface soil nail easement in portions of Assessor's Parcel No. 096-0080-004 in Sunol, owned by Carolyn Marie Garcia and Stanley A. Garcia, Trustees, by eminent domain, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of real property as referenced in File No. 100222. Julie LaBonte (Public Utilities Commission) provided an overview of the project and distributed updated information clarifying Schedule 1. Michael Kyle (Property Owner) expressed concerns relating to the proposed acquisition. Kenneth Mackin (Property Owner) expressed concerns relating to the proposed acquisition. Julie LaBonte (Public Utilities Commission) provided a rebuttal, clarified concerns raised throughout the hearing, and further requested the Board to approve the acquisition. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

100222 [Authorizing the Acquisition of Real Property by Eminent Domain - Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project]
Sponsor: Mayor

Resolution authorizing acquisition of the following interests in real property in Alameda County: (1) a temporary construction easement in a portion of Assessor's Parcel No. 513-0065-011-02 in Fremont, owned by Malik A. Alarab, Trustee, and Barbara E. Alarab, Trustee; (2) a temporary construction easement in a portion of Assessor's Parcel No. 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin; and (3) a temporary construction easement and a permanent subsurface soil nail easement in portions of Assessor's Parcel No. 096-0080-004 in Sunol, owned by Carolyn Marie Garcia and Stanley A. Garcia, Trustees, by eminent domain, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED with additional information pertaining to Schedule 1 as submitted by the City Attorney's Office and the Public Utilities Commission. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Alioto-Pier

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED on Page 7, Line 10, by adding 'gas line' after 'drainage.' The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Alioto-Pier

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Absent: 1 - Alioto-Pier

Supervisor Alioto-Pier was noted present at 5:50 p.m.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100395 [Public Hearing - Approving the Issuance of Revenue Bonds by California Municipal Finance Authority to Acquire the Public Utilities Commission Building]
Hearing of persons interested in or objecting to the proposed Resolution approving the issuance of revenue bonds by the California Municipal Finance Authority for the purposes of financing or refinancing the acquisition of the State office buildings known as the Public Utilities Commission Building and/or the San Francisco Civic Center and certain other matters pertaining thereto.

The President inquired as to whether any member of the public wished to address the Board relating to the issuance of revenue bonds as referenced in File No. 100549. Supervisor Daly provided an overview of the issuance of revenue bonds. Nadia Sesay (Office of Public Finance) and Scott Sallers provided additional details of the issuance of revenue bonds. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

100549 [Approving the Issuance of Revenue Bonds by California Municipal Finance Authority to Acquire the Public Utilities Commission Building]

Sponsor: Daly

Resolution approving the issuance of revenue bonds by the California Municipal Finance Authority for the purposes of financing or refinancing the acquisition of the State office buildings known as the Public Utilities Commission Building and/or the San Francisco Civic Center and certain other matters pertaining thereto.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chiu introduced, welcomed, and presented a Certificate of Honor to Ed Reiskin, Director of Public Works, in recognition of Public Works Week (May 15-22, 2010) and the work of the employees of the Department of Public Works.

Supervisor Alioto-Pier provided an overview of the Small Business Week (May 15-22, 2010) commendation proceedings. Introductions and Certificates of Honor, in recognition of Small Business Week were presented as follows:

*Supervisor Alioto-Pier to Presidio Bowling Center;
Supervisor Avalos to Mach III, Java on Ocean, and N-Hance;
Supervisor Campos to Fat Bell Deli;
Supervisor Chiu to Case + Abst Architects;
Supervisor Chu to Tennessee Grill;
Supervisor Daly to Rainbow Grocery;
Supervisor Dufty to Frances Restaurant;
Supervisor Elsbernd to Village Grill;
Supervisor Mar to 4 Star Theatre;
Supervisor Maxwell to Bay Wash;
Supervisor Mirkarimi to Rooky Ricardo's Records and Uoki K. Sakai Company; and
Starr Terrell, on behalf of Mayor Newsom, to Veritable Vegetable.*

SPECIAL ORDER 4:00 P.M.**100382 [Public Hearing - Appeal of Conditional Use for 725 Taraval Street]**

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 18037 dated February 25, 2010, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0531C), under Planning Code Sections 303, 711.83, and 790.80, to install a wireless telecommunications facility consisting of eight new panel antennas located on the existing four-story mixed-use building's elevator penthouse structures, with related equipment cabinets located within the structure's subterranean garage, as part of T-Mobile's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District, on property located at 725 Taraval Street, Lot Nos. 052-058 in Assessor's Block No. 2408. (District 7) (Appellant: Robert Carson) (Clerk of the Board)

(Filed March 25, 2010 - Companion Measure to File Nos. 100383, 100384, 100385.)

The President inquired as to whether any member of the public wished to address the Board. Supervisor Elsbernd requested clarification on the appeal procedures. Cheryl Adams (City Attorney's Office) provided clarification of the procedures of the appeal. Robert Carson (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Male Speaker; Henry Tang; Espanola Jackson; Alan Mitchell; Lucy Mitchell; Victoria Martin; Li Hsueh Pi Ley; Male Speaker; Richard Deluse; Wendy Robinson; Male Speaker; Jerry Risk; Lee Gertler; Rob Geller; Female Speaker; Male Speaker; Steven Krolak; spoke in support of the appeal. Tara Sullivan and Liz Watty (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Rick Hirsch (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Robert Carson (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

100383 [Affirming Planning Commission Decision Related to Conditional Use Appeal for 725 Taraval Street]

Motion affirming the decision of the Planning Commission by its Motion No. 18037, approving Conditional Use Application No. 2009.0531C on property located at 725 Taraval Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be **TABLED**. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100384 [Reversing Planning Commission Decision Related to Conditional Use Appeal for 725 Taraval Street]

Motion reversing the decision of the Planning Commission by its Motion No. 18037, approving Conditional Use Application No. 2009.0531C on property located at 725 Taraval Street. (Clerk of the Board)

Motion No. M10-85

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be **APPROVED**. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100385 [Preparation of Findings Related to the Conditional Use Appeal for 725 Taraval Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2009.0531C on property located at 725 Taraval Street, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M10-86

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS**Recommendation of the Land Use and Economic Development****100535 [Authorization to Apply for a Grant for Strategic Growth Council Urban Greening]
Sponsor: Campos**

Resolution authorizing the San Francisco Planning Department to apply for a grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 to augment the greening and storm water features of the Cesar Chavez Street Redesign Project.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Budget and Finance Sub-Committee**100399 [Contract Modification with Acumen Fiscal Agent, LLC, for the Jobs Now Program - \$53,995,000]****Sponsor: Mayor**

Resolution approving the emergency declaration to modify the contract between the City and County of San Francisco and Acumen Fiscal Agent, LLC, to provide private employer based wage subsidy reimbursements under the City's Jobs Now Program for qualified Jobs Now participants during the period of March 25, 2010, to October 31, 2010, in the additional amount of \$44,000,000 for a total modified contract amount of \$53,995,000.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Suzanne Dumont; spoke relating to proposed Charter Amendment regarding Recreation and Park.
Richard McRee; expressed concerns relating to technology, inventions and patents.
Walter Paulson; shared in song certain concerns with the Board.
John Rizzo; expressed concerns relating to public representation.
Robin Crumb; expressed concerns relating to lyme disease.
David Eldridge; spoke relating to proposed Charter Amendment regarding Recreation and Park.
Nancy Wuerfel; spoke relating to proposed Charter Amendment regarding Recreation and Park.
Rose Hilton; spoke relating to proposed Charter Amendment regarding Recreation and Park.
Ed Hoshikoto; spoke relating to proposed Charter Amendment regarding Recreation and Park.
Jill Shenker; spoke relating to proposed resolution regarding domestic work.
Juanita Flores; spoke relating to proposed resolution regarding domestic work.
Emma Delgado; spoke relating to proposed resolution regarding domestic work.
Bertha Villalobos; spoke relating to proposed resolution regarding domestic work.
Maria Hernandez; spoke relating to proposed resolution regarding domestic work.
Juliana Romero; spoke relating to proposed resolution regarding domestic work.
Female Speaker; spoke relating to proposed resolution regarding domestic work.
Olivia Tella; spoke relating to proposed resolution regarding domestic work.
Peter Warfield; expressed concerns relating to the SF Public Library.
Guadalupe Navarro; spoke relating to proposed resolution regarding domestic work.
Maria Arroyo; spoke relating to proposed resolution regarding domestic work.
Female Speaker; spoke relating to proposed resolution regarding domestic work.
Gloria Martinez; spoke relating to proposed resolution regarding domestic work.
Terry Mill; spoke relating to proposed Charter Amendment regarding Recreation and Park.
Laura Hernandez; spoke relating to proposed resolution regarding domestic work.
Male Speaker; expressed various concerns.
Ace Washington; expressed various concerns.
Dane Jonsen; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100538 [Supporting Outreach and Education Regarding Smart Meters to Prevent Power Service Disconnections]

Sponsor: Mar

Resolution supporting outreach and education regarding Smart Meters to prevent power service disconnections.

ADOPTED

100589 [Grant Application - Mission Creek Park Corridor]

Sponsors: Mayor; Maxwell

Resolution approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the Mission Creek Park Corridor.

ADOPTED

100590 [Grant Application - Hillpoint Park Open Space Project]**Sponsors: Mayor; Maxwell**

Resolution approving the application for Grant Funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for Construction of the Hillpoint Park Open Space Project.

ADOPTED**100591 [Grant Application - Boedekker Park]****Sponsors: Mayor; Daly**

Resolution approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for Boedekker Park.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED**100592 [Grant Application - Cayuga Playground]****Sponsors: Mayor; Avalos**

Resolution approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the Cayuga Playground.

ADOPTED**100593 [Opposing the Proposed Resumption of Commercial Whaling and Ten-Year Quotas for Gray Whales as Proposed by the International Whaling Commission]****Sponsors: Mirkarimi; Dufty and Maxwell**

Resolution urging President Barack Obama to direct the United States delegation to the annual meeting of the International Whaling Commission on June 21-25, 2010, in Agadir, Morocco, to oppose any agreements that allow commercial whaling or set quotas for commercial whaling.

ADOPTED**100594 [Proclaiming Martha Ryan Day - May 22, 2010]****Sponsor: Alioto-Pier**

Resolution honoring Martha Ryan, Executive Director of the Homeless Prenatal Program, on the 20th anniversary of the Homeless Prenatal Program and proclaiming May 22, 2010, as Martha Ryan Day in the City and County of San Francisco.

ADOPTED**100596 [Proclaiming Harvey Milk Day - May 22, 2010]****Sponsors: Dufty; Campos, Mirkarimi and Chiu**

Resolution proclaiming May 22, 2010, as Harvey Milk Day in the City and County of San Francisco.

ADOPTED

100597 [Proclaiming World Hepatitis Awareness Day - May 19, 2010]**Sponsors: Dufty; Chiu**

Resolution proclaiming May 19, 2010, as World Hepatitis Awareness Day in the City and County of San Francisco.

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED

100599 [Accept and Expend Grant - To Hire up to Four Part-Time Upper Division Undergraduate or Graduate School Planning Interns - \$44,000]**Sponsor: Elsbernd**

Resolution authorizing the Airport Commission to accept and expend a grant in the amount of \$44,000 from the Federal Transit Administration through CalTrans and the Metropolitan Transportation Commission for hiring up to four part-time upper division undergraduate or graduate school planning interns for the FY2009-2011.

ADOPTED

100601 [Commending Mary Kay Henry]**Sponsor: Alioto-Pier**

Resolution commending Mary Kay Henry on her election as the President of the Service Employees International Union.

ADOPTED

100595 [Waiver Permitting City Employees to Assist the Department of Elections with the June 8, 2010, Consolidated Primary Election]**Sponsor: Chiu**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the June 8, 2010, Consolidated Primary Election.

Motion No. M10-87

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100517 [Settlement of Lawsuit - Susan Garduno - \$47,500]

Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$47,500; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

05/05/10; RECEIVED AND ASSIGNED to Rules Committee.

100518 [Settlement of Lawsuit - Linda Ho - \$88,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Linda Ho against the City and County of San Francisco for \$88,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

05/05/10; RECEIVED AND ASSIGNED to Rules Committee.

100519 [Settlement of Lawsuit - Victoria Sanchez - \$66,500]

Ordinance authorizing settlement of the portion of the lawsuit filed by Victoria Sanchez against the City and County of San Francisco for \$66,500; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

05/18/10; RECEIVED AND ASSIGNED to Rules Committee.

100520 [Settlement of Lawsuit - Sally Seid - \$48,500]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for \$48,500; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

05/05/10; RECEIVED AND ASSIGNED to Rules Committee.

100521 [Settlement of Lawsuit - Mary Anne Short and Robert Short - \$160,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Mary Anne Short/Robert Short against the City and County of San Francisco for \$160,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

05/05/10; RECEIVED AND ASSIGNED to Rules Committee.

100559 [Settlement of Lawsuit - SN Sands Corp. dba S&S Trucking - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by SN Sands Corp. dba S&S Trucking against the City and County of San Francisco for \$50,000; the lawsuit was filed on April 10, 2009, in San Francisco Superior Court, Case No. CGC-09-487156; entitled SN Sands Corporation dba S&S Trucking v. City and County of San Francisco; other material terms of said settlement are term of five-year contract to run from December 20, 2008, to December 19, 2013. (City Attorney)

05/05/10; RECEIVED AND ASSIGNED to Rules Committee.

100560 [Settlement of Lawsuit - James A. Shotwell - \$167,500]

Ordinance authorizing settlement of the lawsuit filed by James A. Shotwell against the City and County of San Francisco for \$167,500; the lawsuit was filed on September 26, 2008, in San Francisco Superior Court, Case No. CGC-08-480280; entitled James A. Shotwell v. City and County of San Francisco. (City Attorney)

05/05/10; RECEIVED AND ASSIGNED to Rules Committee.

100561 [Settlement of Lawsuit - 609-611 Burnett Apartments LLC - \$128,700]

Ordinance authorizing settlement of the lawsuit filed by 609-611 Burnett Apartments, LLC against the City and County of San Francisco for \$128,700; the lawsuit was filed on December 9, 2008, in San Francisco Superior Court, Case No. CGC-08-482803; entitled Burnett Apartments, LLC v. City and County of San Francisco, et al. (City Attorney)

05/05/10; RECEIVED AND ASSIGNED to Rules Committee.

100562 [Settlement of Lawsuit - Melanie Wood and Timothy Wood - \$151,000]

Ordinance authorizing settlement of the lawsuit filed by Melanie Wood and Timothy Wood against the City and County of San Francisco for \$151,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. CGC-07-463943; entitled Melanie Wood, et al. v. City and County of San Francisco, et al. (City Attorney)

05/10/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

100456 [Agreement to Purchase Easements in Connection with the New Irvington Tunnel Project in Alameda County]

Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to acquire for \$57,500 a permanent well easement and a temporary construction easement in Alameda County for the public purpose of constructing the San Francisco Public Utilities Commission New Irvington Tunnel Project; adopting findings under the California Environmental Quality Act ("CEQA"); adopting findings that the purchase is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

05/06/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100567 [Official Advertising, FY2010-2011]

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for all official advertising (Type 1 and Type 2) for FY 2010-2011. (Office of Contract Administration)

05/07/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100568 [Outreach Advertising for FY2010-2011]

Resolution designating El Reportero to be the outreach newspaper of the City and County for the Hispanic community, Bay Area Reporter to be the outreach newspaper of the City and County for the Lesbian, Gay, Bisexual community, and the West Portal Monthly to be the neighborhood outreach newspaper for the West Portal neighborhood, to provide outreach advertising for FY2010-2011. (Office of Contract Administration)

05/07/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:22 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, May 25, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Duffy, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, Supervisor Chu was noted absent. Supervisor Chu was noted present at 2:11 p.m.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of April 27, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100470 [Appropriating Surplus Revenues and Expenditures to Support Cost Overruns in the Department of Public Health for FY2009-2010 - \$20,807,609]

Sponsor: Mayor

Ordinance appropriating \$20,807,609, including appropriating \$19,923,697 of surplus San Francisco General Hospital revenue and \$7,500 of Laguna Honda Hospital revenues, de-appropriating \$876,412 of Laguna Honda Hospital and non-hospital operations expenditures, to fund cost overruns in the Department of Public Health, including \$13,258,088 at San Francisco General Hospital, \$6,176,521 at Laguna Honda Hospital, and \$1,373,000 in non-hospital operations, for FY2009-2010.

(Fiscal Impact.)

FINALLY PASSED

100527 [Accept and Expend Grant - Human Services Agency's Temporary Assistance to Needy Families Emergency Contingency Fund as Part of the American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$20,014,497]

Sponsor: Mayor

Ordinance amending the FY2009-2010 Annual Salary Ordinance (Ordinance No. 183-09) to reflect the addition of temporary and permanent salaries of \$8,496,952 and authorizing the Human Services Agency to retroactively accept and expend a grant in the amount of \$20,014,497 from the United States Department of Health and Human Services, Temporary Assistance to Needy Families Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to support the Mayor's Jobs NOW Program.

FINALLY PASSED

Recommendation of the Budget and Finance Committee

100362 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Enterprise Departments]

Sponsor: Mayor

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: employee and public parking management services, general security services, information booth services, and shuttle bus services (Airport); paratransit services, comprehensive facility security services, parking citation and collection system, meter coin counting and collection services, towing contract services, and transit shelter maintenance services (MTA); and janitorial services and security services (Port).

ADOPTED

Recommendations of the Rules Committee

100358 [Settlement of Lawsuit - Noah Booher - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Noah Booher against the City and County of San Francisco for \$35,000; the lawsuit was filed on March 10, 2009, in the United States District Court for the Northern District of California, Case No. C08-1045 MHP, entitled Noah Booher v. City and County of San Francisco et al. (City Attorney)

FINALLY PASSED

100359 [Settlement of Lawsuit - Betty C. Bullock - \$134,000]

Ordinance authorizing settlement of the lawsuit filed by Betty C. Bullock against the City and County of San Francisco for \$134,000; the lawsuit was filed on December 1, 2008, in San Francisco Superior Court, Case No. 482347; entitled Betty C. Bullock v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100361 [Settlement of Lawsuit - Assimina Mavromatis - \$29,500]

Ordinance authorizing settlement of the lawsuit filed by Assimina Mavromatis against the City and County of San Francisco for \$29,500; the lawsuit was filed on July 6, 2007, in San Francisco Superior Court, Case No. CGC 07-464948; entitled Assimina Mavromatis, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

100515 [Settlement of Lawsuit - Blackhawk Parent, LLC - \$250,000]

Ordinance authorizing settlement of tax refund lawsuit filed by Blackhawk Parent, LLC, against the City and County of San Francisco for \$250,000; the lawsuit entitled Blackhawk Parent, LLC, v. City and County of San Francisco, Case No. 478-160 filed August 1, 2008, in San Francisco Superior Court. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100638 [Adopting Findings Reversing the Exemption Determination for the 424 Francisco Street Project]

Motion adopting findings reversing the determination by the Planning Department that the 424 Francisco Street project is exempt from further environmental review. (Clerk of the Board)

Privilege of the floor was granted to Marlena Byrne (City Attorney's Office) who responded to questions raised throughout the discussion regarding File No. 100638.

Supervisor Chiu, seconded by Supervisor Daly, moved that this Motion be AMENDED, on Page 2, Lines 10-11, by replacing 'shared concerns' with 'finds'; on Page 2, Line 11, by replacing 'supported' with 'to support'; on Page 2, Line 12, by replacing 'project' with 'Project'; on Page 2, Line 15, by replacing 'heard and shared concerns' with 'finds'; on Page 2, Lines 15-16, by replacing 'project' with 'Project'; on Page 2, Line 22, by replacing 'project' with 'Project'; on Page 3, Line 2, by replacing 'project' with 'Project'; on Page 3, Line 3, by adding ', the raising of the building' after 'entrance'; on Page 3, Line 7, by replacing 'The' with 'This Board finds that the'; on Page 3, Line 7, by adding 'public' after 'provide'; on Page 3, Line 8, by replacing 'under' with 'as required by'; on Page 3, Lines 12-17, by moving the entire paragraph to Page 4, Line 23, through Page 5, Line 4; on Page 3, Lines 24-25, by adding 'grants the appeal of the exemption determination and' after 'Supervisors'; on Page 4, Lines 9-12, by adding 'that the categorical exemption is void and that any further consideration of project approval must be preceded by preparation of' after 'directs'; on Page 4, Lines 10-11, by deleting 'the Planning Department to prepare'; and on Page 4, Line 14, by deleting 'of four or more units.' The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Noes: 2 - Alioto-Pier, Elsbernd

Supervisor Duffy, seconded by Supervisor Alioto-Pier, moved that this Motion be AMENDED, on Page 2, Line 11, by deleting 'substantial evidence in the record support a fair argument that'; on Page 2, Line 17, by replacing 'a' with 'this'; on Page 2, Lines 17-18, by deleting '(specifically, a residence, such as this one, of four or more units)'; on Page 2, Lines 18-19, by deleting 'the Broadway Neighborhood Commercial District'; on Page 2, Lines 20-21, by deleting ', the Chinatown Mixed Use Districts, and the Telegraph Hill North Beach Residential Special Use District'; on Page 3, Line 22, by deleting 'substantial' and 'supporting a fair argument'; on Page 4, Lines 7-8, by replacing 'prepare an environmental impact report (EIR)' with 'conduct further environmental review'; on Page 4, Line 9, by replacing 'such EIR' with 'the Department'; on Page 4, Lines 10-11, by replacing 'residential buildings of four or more units' with 'this building'; on Page 4, Line 11, by deleting 'the Broadway Neighborhood Commercial District'; and on Page 4, Lines 12-13, by deleting ', the Chinatown Mixed Use Districts, and the Telegraph Hill North Beach Residential Special Use District.' The motion FAILED by the following vote:

Ayes: 4 - Alioto-Pier, Chu, Duffy, Elsbernd

Noes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Motion No. M10-88

APPROVED AS AMENDED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Duffy, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

100030 [Amendment to Contract - AnsaldoBreda, Inc., for Light Rail Vehicle Systems Overhaul - Not to Exceed \$68,749,421]

Sponsors: Chiu and Duffy

Resolution approving Amendment One to Contract No. APT 591.01, light rail vehicle doors and steps reconditioning and systems rehabilitation, between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and AnsaldoBreda, Inc., to rehabilitate the trucks of 34 light rail vehicles, at the cost of \$11,996,867 for a total contract amount not to exceed \$68,749,421 and to extend the term of the contract from five years to six years.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100502 [2010 Equipment Lease Supplement No. 16 - Not to Exceed \$11,500,000]**Sponsor: Mayor**

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an Equipment Lease Supplement No. 16 (Series 2010A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$11,500,000; approving the form of the official statement in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith. (Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100534 [Water Revenue Bonds Issuance - 2010]**Sponsor: Mayor**

Resolution approving the issuance of water revenue bonds and water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100488 [Recreation and Park Department - Coit Tower Non-Resident Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.06, to establish non-San Francisco Resident fees for the elevator at Coit Tower, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Sub-Committee Without Recommendation**100469 [Recreation and Park Department - Botanical Garden Non-Resident Fees]****Sponsor: Mayor**

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46, to establish admission fees to the Botanical Garden for non-San Francisco residents, and making environmental findings.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, on Page 5, Lines 7-9, by replacing 'In the event the Department receives new tax revenue in future years it shall rescind the non-resident fee for entrance to the Botanical Gardens' with 'If the Department receives revenue from new tax that can be used for operating and maintenance costs at the Botanical Gardens, authority to collect the non-resident fee for entrance to the Gardens shall expire by operation of the law within 90 days after the effective date of the new tax.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, on Page 5, Lines 10-12, by replacing "With its budget submission for Fiscal Year 2011-12, the Department shall report to the Budget Finance on its collection of the non-resident fee for entrance to the Botanical Gardens" with "The Department shall provide biannual reports to the Budget and Finance Committee on its collection of the non-resident fee for entrance to the Botanical Gardens, such reports shall include the following information: 1. Attendance figures for San Francisco residents, Members of San Francisco Botanical Garden Society, and Non-San Francisco residents; 2. Capital improvements and operating costs of the Botanical Gardens; 3. Capital improvements and operating costs associated with the collection of the non-resident fee, including a new resident fee; 4. The numbers of San Francisco Botanical Garden Society members; and 5. Gifts and donations received by the Department for the Botanical Garden." The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell

Noes: 3 - Dufty, Mar, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Bishop Senyonjo of Uganda in recognition of his human rights advocacy. Privilege of the floor was granted to Andrea Shorter (Commission on the Status of Women) who shared in the sentiments expressed by Supervisor Dufty.

Supervisor Chu, introduced, welcomed, and presented Certificates of Honor to Paul Yep, Curtis Liu, Barrett Chan, Andy Ting, Daryl Fong, and Henry Seto, of the San Francisco Asian Police Officers Association in recognition of their accomplishments organizing a fundraiser for the families and victims of the recent anti-Asian violence and for their continued community support.

Supervisor Campos presented a Certificate of Honor to Supervisor Dufty in recognition of being a role model as an advocate and parent in the LGBT community and his work with Family Builders Agency.

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Dr. Davi Pakter of the Healing Project at Potrero Hill Health Center in recognition of the project's accomplishments and continued community support.

COMMITTEE REPORT

Recommendations of the Rules Committee

100603 [Appointment, Police Commission - Angela Chan]

Motion confirming the Rules Committee's nomination of, and appointing, Angela Chan, term ending April 30, 2014, to the San Francisco Police Commission. (Clerk of the Board)
Angela Chan, seat 2, succeeding Vincent Pan, term expired, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors for the unexpired portion of a four-year term ending April 30, 2014.

Motion No. M10-89

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Privilege of the floor was granted to Harvey Rose (Budget Analyst) who responded to the sentiments shared by the Board of Supervisors of the passing of Ken Bruce.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

James Chaffee; expressed concerns relating to the SF Public Library.

Peter Alexander; expressed various concerns.

Male Speaker; expressed concerns relating to Recreation and Park services.

Doug Moore; expressed concerns relating to a Police Department matter.

Douglas Yep; expressed concerns relating to a Police Department matter.

Walter Paulson; shared in song certain concerns with the Board.

Robin; expressed support for Lyme Disease Month proclamation.

Lydia Morales; expressed support for the Healing Project at Potrero Hill Health Center.

Rozalina Gutman; expressed support for the Healing Project at Potrero Hill Health Center.

Male Speaker; expressed concerns relating to war.

Female Speaker; expressed concerns relating to war.

Carina; expressed support for the proposed secure communities opt-out legislation.

Morgan Basquez; expressed support for the proposed secure communities opt-out legislation.

Angela Chan; expressed support for the proposed secure communities opt-out legislation.

John DiDonna; shared in poem certain concerns with the Board.

Cathy Graham; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Elsbernd was noted absent at 4:02 p.m. for the remainder of the meeting.

Supervisor Daly was noted absent at 4:08 p.m. Supervisor Daly was noted present at 4:39 p.m.

Supervisor Maxwell was noted absent at 4:12 p.m. Supervisor Maxwell was noted present at 4:40 p.m.

Supervisor Alioto-Pier was noted absent at 4:20 p.m. Supervisor Alioto-Pier was noted present at 4:36 p.m.

100651 [Calling on State, Federal, and International Lawmakers to Ensure Fair and Just Treatment of Domestic Workers]

Sponsors: Mar; Campos, Avalos, Chiu, Mirkarimi, Maxwell, Dufty and Daly

Resolution calling on State, Federal, and International Lawmakers to ensure fair and just treatment of domestic workers.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED

100653 [Supporting the 2010 National Asian Pacific Islander American Historic Preservation Forum]

Sponsor: Chiu

Resolution supporting the 2010 National Asian Pacific Islander American Historic Preservation Forum to protect and preserve the legacies of Asian and Pacific Islander cultures in America.

ADOPTED

100655 [Proclaiming Lyme Disease Awareness Month - May 2010]

Sponsors: Alioto-Pier; Dufty

Resolution proclaiming May 2010, as Lyme Disease Awareness Month in the City and County of San Francisco.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Absent: 1 - Elsbernd

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Chu requested that File Nos. 100650 and 100652 be severed so that they may be considered separately.

100650 [Urging to Opt-Out of "Secure Communities"]

Sponsors: Mar; Campos, Avalos, Maxwell, Daly, Mirkarimi, Chiu and Dufty
Resolution urging the San Francisco Sheriff's Department, the Juvenile Probation Department and the San Francisco Police Department to opt-out of participating in the Police Immigration and Customs Enforcement collaboration program known as "Secure Communities."

Supervisor Chu, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED to June 8, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Absent: 1 - Elsbernd

100652 [Opposing Assembly Bill 2650 - Regarding Unnecessary Regulations and Intrusion into the City and County's Authority]

Sponsor: Daly

Resolution opposing Assembly Bill 2650, opposing unnecessary State intrusions on the City and County's land use and regulatory authority, and urging San Francisco's State Representatives to oppose this bill and any similar legislation to unnecessarily regulate the location of medical cannabis facilities in contravention of existing or future local ordinances.

Supervisor Chu, seconded by Supervisor Daly, moved that this Resolution be CONTINUED to June 8, 2010. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Absent: 1 - Elsbernd

Supervisor Avalos requested that File No. 100654 be severed so that it may be considered separately.

100654 [Gift for the Repair and Maintenance of the Crocker Amazon Football Field]

Sponsors: Avalos; Elsbernd

Resolution authorizing and approving a Gift from Sacred Heart Cathedral Preparatory for up to \$30,000 for renovations of the Crocker Amazon football field; and \$39,884 for the salary of a half-time gardener for one year, to be made on a monthly basis.

Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 1, Line 12, by replacing 'Sacred Heart Preparatory' with 'Sacred Heart Cathedral Preparatory'; on Page 1, Line 14, by adding 'and other outdoor sports'; on Page 1, Line 15, by replacing 'Sacred Heart Preparatory' with 'Sacred Heart Cathedral Preparatory'; on Page 1, Line 17, by replacing 'Sacred Heart Preparatory' with 'Sacred Heart Cathedral Preparatory'; on Page 1, Line 20, by replacing 'Sacred Heart Preparatory' with 'Sacred Heart Cathedral Preparatory'; and on Page 1, Line 24, by replacing 'Sacred Heart Preparatory' with 'Sacred Heart Cathedral Preparatory'. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Absent: 1 - Elsbernd

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Absent: 1 - Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

100605 [Contract Between the Department of Public Health and Toyon Associates, Inc., to Provide Regulatory Reporting, Reimbursement and Revenue Optimization Services]

Resolution authorizing the San Francisco Department of Public Health to extend the contract between the City and County of San Francisco and Toyon Associates, Inc., to provide regulatory reporting, reimbursement and revenue optimization services. (Public Health Department)

05/12/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100606 [California Environmental Quality Act Findings for San Francisco Public Utilities Commission Crystal Springs/San Andreas Transmission Upgrade Project]

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs/San Andreas Transmission Upgrade Project, part of the Water System Improvement Program for the improvements to the regional water supply system, otherwise known as Project No. CUW37101, including the Mitigation Habitat Actions at two sites in San Mateo County; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

05/17/00; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100607 [Adopting California Environmental Quality Act Findings for Sunnydale Sewer System Improvement Project]

Resolution adopting findings under the California Environmental Quality Act, CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of Project No. CENMSCIC23, Sunnydale Sewer System Improvement Project, in the Visitacion Valley and Sunnydale neighborhood areas, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

05/17/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:44 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, June 8, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUN 11 2010

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PUBLIC LIBRARY

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of May 4, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor on June 1, 2010, communicating the Mayor's notice to the Board of Supervisors, under Charter Section 4.132, of a transfer of function between departments within the executive branch. That such reorganization shall become effective 30 days after its issuance, unless disapproved by the Board of Supervisors.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100488 [Recreation and Park Department - Coit Tower Non-Resident Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.06, to establish non-San Francisco resident fees for the elevator at Coit Tower, and making environmental findings.

FINALLY PASSED

100456 [Agreement to Purchase Easements in Connection with the New Irvington Tunnel Project in Alameda County]

Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to acquire for \$57,500 a permanent well easement and a temporary construction easement in Alameda County for the public purpose of constructing the San Francisco Public Utilities Commission New Irvington Tunnel Project; adopting findings under the California Environmental Quality Act; adopting findings that the purchase is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

100516 [Lease Agreement with the California State Lands Commission]

Resolution approving and authorizing a 25 year lease with the California State Lands Commission for a portion of the San Francisco Bay in Alameda and San Mateo Counties, at no rent, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

ADOPTED

Recommendations of the City Operations and Neighborhood Services Committee**100532 [Accept and Expend Grant - National Endowment for the Arts Learning in the Arts Program for the San Francisco Arts Commission's WritersCorps Program - \$60,000]**

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$60,000 from the National Endowment for the Arts Learning in the Arts Program for general operating support for WritersCorps.

ADOPTED

100536 [Accept and Expend Grant - Public Health Emergency Response Phase IV - \$849,417]

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$849,417 from the California Department of Public Health, to assist with a project entitled "Public Health Emergency Response Phase IV" for the period of March 1, 2010 through July 30, 2010.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

- 100298 [Freeway Maintenance Agreement for the Interchange at Highways 101 and 280]**
Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the interchange at Highways 101 and 280 and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

ADOPTED

- 100299 [Freeway Maintenance Agreement for the Bay Bridge Anchorage Security Measures]**
Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the San Francisco-Oakland Bay Bridge Beale Street anchorage security measures and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

ADOPTED

Recommendations of the Rules Committee

- 100517 [Settlement of Lawsuit - Susan Garduno - \$47,500]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$47,500; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

- 100518 [Settlement of Lawsuit - Linda Ho - \$88,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Linda Ho against the City and County of San Francisco for \$88,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

- 100519 [Settlement of Lawsuit - Victoria Sanchez - \$66,500]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Victoria Sanchez against the City and County of San Francisco for \$66,500; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100520 [Settlement of Lawsuit - Sally Seid - \$48,500]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for \$48,500; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100521 [Settlement of Lawsuit - Mary Anne Short and Robert Short - \$160,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Mary Anne Short/Robert Short against the City and County of San Francisco for \$160,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100559 [Settlement of Lawsuit - SN Sands Corp. dba S&S Trucking - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by SN Sands Corp. dba S&S Trucking against the City and County of San Francisco for \$50,000; the lawsuit was filed on April 10, 2009, in San Francisco Superior Court, Case No. CGC-09-487156; entitled SN Sands Corporation dba S&S Trucking v. City and County of San Francisco; other material terms of said settlement are term of five-year contract to run from December 20, 2008, to December 19, 2013. (City Attorney)

PASSED, ON FIRST READING

100560 [Settlement of Lawsuit - James A. Shotwell - \$167,500]

Ordinance authorizing settlement of the lawsuit filed by James A. Shotwell against the City and County of San Francisco for \$167,500; the lawsuit was filed on September 26, 2008, in San Francisco Superior Court, Case No. CGC-08-480280; entitled James A. Shotwell v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

100561 [Settlement of Lawsuit - 609-611 Burnett Apartments, LLC - \$128,700]

Ordinance authorizing settlement of the lawsuit filed by 609-611 Burnett Apartments, LLC, against the City and County of San Francisco for \$128,700; the lawsuit was filed on December 9, 2008, in San Francisco Superior Court, Case No. CGC-08-482803; entitled Burnett Apartments, LLC, v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100562 [Settlement of Lawsuit - Melanie Wood and Timothy Wood - \$151,000]

Ordinance authorizing settlement of the lawsuit filed by Melanie Wood and Timothy Wood against the City and County of San Francisco for \$151,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. CGC-07-463943; entitled Melanie Wood, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100563 [Appointments, Mental Health Board - Lara Arguelles, Ellis Joseph and Mary Ann Jones]

Motion appointing Lara Arguelles, Ellis Joseph and Mary Ann Jones, terms ending January 31, 2013, to the Mental Health Board. (Clerk of the Board)

Motion No. M10-90

APPROVED

100565 [Appointments, Sunshine Ordinance Task Force - James Knoebber and Nicholas Goldman]

Motion appointing James Knoebber and Nicholas Goldman, terms ending April 27, 2012, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Motion No. M10-91

APPROVED

100566 [Appointments, Children and Families First Commission - Veronica Chavez and Betty Robinson-Harris]

Motion appointing Veronica Chavez and Betty Robinson-Harris, terms ending April 29, 2014, to the Children and Families First Commission, residency requirement waived. (Clerk of the Board)

Motion No. M10-92

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

100663 [Adopting Findings Disapproving Conditional Use for Property Located at 725 Taraval Street]

Motion adopting findings disapproving the Planning Commission's approval of Conditional Use Authorization No. 2009.0531C which approved the installation of a wireless telecommunications facility consisting of eight new panel antennas located on the existing four-story mixed-use building's elevator penthouse structures, with related equipment cabinets located within the structure's subterranean garage, as part of T-Mobile's wireless telecommunications network within an NC-2 Zoning District and a 40-X Height and Bulk District, located at 725 Taraval Street (Lot Nos. 052-058 in Assessor's Block No. 2408). (Clerk of the Board)

Motion No. M10-93

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Sub-Committee Without Recommendation**100469 [Recreation and Park Department - Botanical Garden Non-Resident Fees]****Sponsor: Mayor**

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46, to establish admission fees to the Botanical Garden for non-San Francisco residents, and making environmental findings.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, on Page 5, Line 12, by replacing 'its' with 'the'; on Page 5, Line 17, by adding 'incurred by the Department and the Botanical Garden Society' after 'costs'; on Page 5, Line 17, replacing 'the non-resident fee' with 'all fees'; on Page 5, Line 18, by adding '4. Revenue from the new non-resident fee, separated into (a) point of sale gate tickets and (b) actual attendance from packaged sales with other Park sites, and revenue from all other fees;'; on Page 5, Line 18, changing '4' to '5'; on Page 5, Line 18, changing '5' to '6'; on Page 5, Line 19, by deleting 'and' between 'Gifts and donations'; on Page 5, Line 19, by adding 'and services-in-kind' after 'donations'; and on Page 5, Line 19, by adding 'and the Botanical Garden Society' after 'Department.' The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Maxwell

Noes: 2 - Mar, Mirkarimi

NEW BUSINESS**Recommendations of the Budget and Finance Sub-Committee****100582 [Appropriating \$811,734 of Fund Balance for the Code Enforcement Rehabilitation Fund in Department of Building Inspection and Mayor's Office of Housing in FY2009-2010]****Sponsor: Mayor**

Ordinance appropriating \$738,240 of Code Enforcement Rehabilitation Fund unappropriated fund balance and deappropriating \$73,494 of prior year appropriations to support code enforcement activities in the Department of Building Inspection and the Mayor's Office of Housing in FY2009-2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100640 [Waiver of Temporary Street Space Occupancy Fee for the Mission Community Market]**Sponsor: Campos**

Ordinance waiving the permit fee in Public Works Code Section 724.1(b) for temporary street space occupancy on certain blocks of 22nd Street on Saturday, June 19, 2010, as part of a fundraiser to launch the Mission Community Market.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100644 [Contract Amendment - Serco, Inc., for Parking Meter Collection and Management Services - Not to Exceed \$77,300,000]**Sponsor: Chiu**

Resolution approving the ninth amendment to an agreement with Serco, Inc., for parking meter collection and management services, to extend the term by two years and increase the contract amount by \$16,800,000 for a total contract amount not to exceed \$77,300,000.
(Fiscal Impact.)

Privilege of the floor was granted to Lorraine Fuqua (MTA) and Harvey Rose (Budget Analyst) who responded to questions raised throughout the discussion regarding File No. 100644.

ADOPTED by the following vote:

Ayes: 7 - Alioto-Pier, Avalos, Chiu, Chu, Dufty, Elsbernd, Maxwell

Noes: 4 - Campos, Daly, Mar, Mirkarimi

100646 [Issuance and Sale of Tax-Exempt Bonds - Children's Day School, Inc. - Not to Exceed \$10,000,000]**Sponsor: Dufty**

Resolution approving the issuance and sale of tax-exempt bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$10,000,000 to finance various capital facilities owned or leased by Children's Day School.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the City Operations and Neighborhood Services Committee**100104 [Retailers Duty to Disclose Specific Absorption Rate Values for Cell Phones]****Sponsors: Mayor; Maxwell**

Ordinance amending the San Francisco Environment Code by adding Chapter 11, Sections 1100 through 1105, to require retailers to disclose specific absorption rate values for cell phones, and making environmental findings.

(Supervisor Elsbernd dissented in Committee)

Privilege of the floor was granted to Starr Terrell (Office of the Mayor) and Mark Westlund (Department of Environment) who responded to questions raised throughout the discussion regarding File No. 100104.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FIRST READING to June 15, 2010. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 2 - Avalos, Dufty

Recommendations of the Land Use and Economic Development Committee

090906 [Planning - Uses Permitted in R Districts - Double Density for Senior Housing]

Sponsor: Chiu

Ordinance amending the Planning Code by adding Section 102.6.1 to create a definition related to housing for seniors; amending Planning Code Section 209.1(m) related to the Uses Permitted in R Districts - Dwelling Zoning Control Table to update the requirements for obtaining double density for providing senior housing and, adding Section 209.1(o) to require, in certain circumstances, a conditional use authorization; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100364 [Major Encroachment for San Francisco State University to Place Utilities Under Font Boulevard]

Sponsor: Elsbernd

Resolution granting a revocable major encroachment permit to San Francisco State University to occupy a portion of the public right-of-way to install and maintain private underground utilities crossing Font Boulevard to serve properties within Assessor Block No. 7304; making findings, including environmental findings and findings of consistency with the General Plan and the Eight Priority Policies of Planning Code Section 101.1. (Public Works Department)

Supervisor Elsbernd requested to be added as sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Public Safety Committee

100529 [Creation of Neighborhood Community Justice Task Force]

Sponsors: Chiu; Maxwell, Alioto-Pier and Mar

Ordinance amending the San Francisco Administrative Code by adding Sections 5.70 through 5.75, to create a Neighborhood Community Justice Task Force to make recommendations to the Board of Supervisors regarding the creation of restorative and community justice programs; provide for the Task Force's membership, organization, and duties; and set a sunset date for the Task Force.

Supervisors Mar, Daly, and Campos requested to be added as co-sponsors.

Supervisor Chiu, seconded by Supervisor Alioto-Pier, moved that this Ordinance be AMENDED, on Page 5, Lines 19-21, by adding 'No later than three months after the date that all seven voting members of the Task Force have been appointed, the Task Force shall submit a progress report on its work to the Board of Supervisors' after '(d)'. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

From the Public Safety Committee Without Recommendation

100233 [Prohibition on Sitting or Lying on Public Sidewalks]

Sponsors: Mayor; Alioto-Pier

Ordinance amending San Francisco Police Code by adding Section 168 to prohibit sitting or lying down upon a public sidewalk during specified hours, and with exceptions for the disabled and others.

(Supervisor Duffy dissented in Committee)

PASSED ON FIRST READING. The motion **FAILED** by the following vote:

Ayes: 3 - Alioto-Pier, Chu, Elsbernd

Noes: 8 - Avalos, Campos, Chiu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Recommendation of the Rules Committee

100437 [Standards of Care for City Shelters and Powers and Duties of the Shelter Monitoring Committee]

Sponsors: Mar; Campos, Alioto-Pier, Avalos and Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Chapter 20, Sections 20.304, 20.401, 20.403, 20.404, and 20.405, to: 1) amend City requirements in the delivery of shelter services to, among other things, expand reservation capability at shelters; 2) provide additional training to shelter staff; and ensure case management services for shelter clients in need; and 3) require the Shelter Monitoring Committee to track refusals of shelter beds and authorize the Committee to initiate investigations into alleged violations of contractual obligations imposed by Chapter 20.

Supervisors Avalos and Mirkarimi requested to be added as co-sponsors.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Mar, seconded by Supervisor Chiu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Qin Wang, Rose Gardener from Golden Gate Park in recognition of his accomplishments.

Supervisor Chiu introduced, welcomed, and presented Certificates of Honor to the leadership of both the North Beach Merchants Association and the Chinatown Community Center in recognition of their accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.**100252 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 100 - 32nd Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 19, 2009, Case No. 2007.0129E, that a project located at 100 - 32nd Avenue is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1)). The proposal would add a three-story side horizontal addition and would enlarge the existing partial fourth floor at the existing four-story, single-family residence located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District, in Assessor's Block No. 1312, Lot No. 008. (District 2) (Appellant: Stephen M. Williams on behalf of Sanford Garfinkel, other neighbors, and the Lincoln Park Neighborhood Association) (Clerk of the Board)
(Filed 3/1/10; Companion Measure to File Nos. 100253, 100254, 100255.)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to July 13, 2010. There were no speakers. The President continued the public hearing open to July 13, 2010.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100253 [Affirming the Exemption Determination for 100 - 32nd Avenue]

Motion affirming the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100254 [Reversing the Exemption Determination Issued for 100 - 32nd Avenue]

Motion reversing the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100255 [Preparation of Findings Related to the Exemption Determination for the 100 - 32nd Avenue]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

Recommendations of the Rules Committee

100525 [Reappointment, Police Commission - Joseph E. Marshall]

Motion confirming the Mayor's nomination of, and reappointing, Joseph E. Marshall to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2014. (Mayor)

(Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - April 28, 2010.)

Motion No. M10-94

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100681 [Appointment, Juvenile Probation Commission - Joseph Arellano]

Motion rejecting the Mayor's appointment of Joseph Arellano to the Juvenile Probation Commission, for the term ending January 15, 2014.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - May 24, 2010.)

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chu, Duffy, Elsbernd, Maxwell

Recommendation of the Land Use and Economic Development Committee

100648 [Accept and Expend Grant - Caltrans Community Design Process for Cesar Chavez Street - \$250,000]

Sponsors: Mayor; Maxwell, Campos and Duffy

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of \$250,000 from Caltrans for the period February 16, 2010, through February 28, 2012, in order to conduct a community design process for Cesar Chavez Street.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

*Supervisor Elsbernd was noted absent at 4:24 p.m. and was noted present at 4:29 p.m.
Supervisor Davis was noted absent at 4:25 p.m. and was noted present at 4:44 p.m.
Supervisor Maxwell was noted absent at 4:26 p.m. and was noted present at 5:10 p.m.
Supervisor Alioto-Pier was noted absent at 4:33 p.m. and was noted present at 5:37 p.m.
Supervisor Duffy was noted absent at 4:38 p.m. and was noted present at 4:43 p.m.
Supervisor Avalos was noted absent at 4:38 p.m. and was noted present at 4:42 p.m.*

PUBLIC COMMENT

*Abdallah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Kate Bernier; expressed concerns relating to cell phone interference.
Walter Paulson; shared in song certain concerns with the Board.
Peter Warfield; expressed concerns relating to the SF Public Library.
Janet Kobren; expressed concerns relating to Palenstine movement.
Stephen Spector; expressed concerns relating to Palenstine movement.
George Bisharat; expressed concerns relating to Palenstine movement.
Loubna Gutami; expressed concerns relating to Palenstine movement.
Alan Benjamin; expressed concerns relating to Palenstine movement.
Eyad Kishawi; expressed concerns relating to Palenstine movement.
Barbara Lubin; expressed concerns relating to Palenstine movement.
Cathy Graham; expressed various concerns.
Jobe Cowen; expressed support for Glass-Steagall proposed initiative.
Joseph Elkins; expressed support for Glass-Steagall proposed initiative.
Emiliano Huet-Vaughn; expressed concerns relating to Palenstine movement.
Laura; expressed concerns relating to Palenstine movement.
Lubna Morrar; expressed concerns relating to Palenstine movement.
Sam Ayeshi Je Neen Naser; expressed concerns relating to Palenstine movement.
Rachel West; expressed concerns relating to Palenstine movement.
Sam and Jane; expressed concerns relating to Palenstine movement.
Bruce Ballard; expressed concerns relating to Palenstine movement.
Leslie Angeline; expressed concerns relating to Palenstine movement.
Jack Fertig; expressed concerns relating to Palenstine movement.
Richard McRee; expressed concerns relating to Gulf oil spill.
Victoria; expressed concerns relating to Palenstine movement.
Lily; expressed concerns relating to Palenstine movement.
Gus Shamiel; expressed concerns relating to Palenstine movement.
Sami Kitmitto; expressed concerns relating to Palenstine movement.
Abdel Basset Hubaishi; expressed concerns relating to Palenstine movement.
Jason; expressed concerns relating to Palenstine movement.
Jessica Truewich; expressed concerns relating to Palenstine movement.
Lynette; expressed concerns relating to Palenstine movement.
Lela Bulber; expressed concerns relating to Palenstine movement.
Mooktar; expressed concerns relating to Palenstine movement.
Neha Mashi; expressed concerns relating to Palenstine movement.
Lydia; expressed concerns relating to International matters.
Shoaib; expressed concerns relating to Palenstine movement.
Jimmy; expressed concerns relating to Palenstine movement.
Dina Omar; expressed concerns relating to Palenstine movement.*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**100666 [Accept and Expend Grant - State Food and Agricultural Projects - \$11,188.77]****Sponsor: Maxwell**

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$11,188.77 from the California Department of Food and Agriculture for the period of July 1, 2010, through June 30, 2011.

ADOPTED**100667 [Proclaiming Elizabeth Rojas-Colville Day - June 24, 2010]****Sponsor: Daly**

Resolution proclaiming June 24, 2010, as Elizabeth Rojas-Colville Day in the City and County of San Francisco.

ADOPTED**100668 [Enterprise Zone Targeted Employment Area]****Sponsor: Chiu**

Resolution approving the boundaries of the City and County of San Francisco Enterprise Zone Targeted Employment Area.

ADOPTED**100682 [Committee of the Whole - Elimination and/or Reduction of Health Care Services (Beilenson Hearing) - June 15, 2010, at 3:00 p.m.]****Sponsor: Avalos**

Motion scheduling the Board to sit as a Committee of the Whole to consider the elimination and/or reduction of health care services (Beilenson Act), to be held on June 15, 2010, at 3:00 p.m.

Motion No. M10-95**APPROVED****100698 [Final Map 4025 - 301 King Street]**

Motion approving Final Map 4025, a four lot airspace subdivision with one lot being approved for a maximum of 313 residential condominium units, being a merger and re-subdivision of Lot Nos. 7 and 10 of Assessors Block No. 8705, located at 301 King Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-96**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 100650 be severed so that it may be considered separately.

100650 [Urging to Opt-Out of "Secure Communities"]

Sponsors: Mar; Campos, Avalos, Maxwell, Daly, Mirkarimi, Chiu and Duffy

Resolution urging the San Francisco Sheriff's Department, the Juvenile Probation Department and the San Francisco Police Department to opt-out of participating in the Police Immigration and Customs Enforcement collaboration program known as "Secure Communities."

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Noes: 2 - Chu, Elsbernd

Supervisor Elsbernd requested that File No. 100652 be severed so that it may be considered separately.

100652 [Opposing Assembly Bill 2650 - Regarding Unnecessary Regulations and Intrusion into the City and County's Authority]

Sponsor: Daly

Resolution opposing Assembly Bill 2650, opposing unnecessary State intrusions on the City and County's land use and regulatory authority, and urging San Francisco's State Representatives to oppose this bill and any similar legislation to unnecessarily regulate the location of medical cannabis facilities in contravention of existing or future local ordinances.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL**PROPOSED ORDINANCES****100689 [Settlement of Lawsuit - Nelson A. Estival - \$57,500]**

Ordinance authorizing settlement of the lawsuit filed by Nelson A. Estival against the City and County of San Francisco for \$57,500; the lawsuit was filed on July 24, 2008, in San Francisco Superior Court, Case No. CGC 09-477871, entitled Estival v. City and County of San Francisco, et al. (City Attorney)

05/20/10; RECEIVED AND ASSIGNED to Rules Committee.

100690 [Settlement of Lawsuit - Anthony Landry - \$70,000]

Ordinance authorizing settlement of the lawsuit filed by Anthony Landry against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 17, 2008, in the San Francisco Superior Court, Case No. CGC 08-744565, entitled Anthony Landry v. City and County of San Francisco. (City Attorney)

05/28/10; RECEIVED AND ASSIGNED to Rules Committee.

100691 [Settlement of Lawsuit - Bayshore Sanitary District - \$407,000]

Ordinance authorizing settlement of the lawsuit entitled Bayshore Sanitary District v. City and County of San Francisco, et al., filed on November 21, 2007, in San Francisco Superior Court, Case No. 07-469434. Pursuant to the proposed settlement, the City will execute a revenue refund adjustment for the Bayshore Sanitary District's sewer services billings in the amount of \$407,000. In return, the Bayshore Sanitary District will implement measures to ensure that future errors in measuring wastewater flow are promptly detected and corrected and limit its recovery of any overcharges due to equipment error in the future. (City Attorney)

05/28/10; RECEIVED AND ASSIGNED to Rules Committee.

100693 [Mission Bay North-Block N1 Public Infrastructure Improvements]

Ordinance accepting of the irrevocable offer of additional property along Townsend Street, King Street, and Fourth Street and the irrevocable offer of public infrastructure improvements associated with Mission Bay North Block N1, including acquisition facilities on Third Street, Townsend Street, King Street, and Fourth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; designating street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,676; and authorizing official acts in connection with this Ordinance. (Public Works Department)

05/28/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

100687 [Agreement to Purchase Permanent Subsurface Easements and Temporary License Agreements to Enter and Use Property for the Sunnydale Sewer System Improvement Project totaling \$2,459,664]

Resolution approving and authorizing agreements for the acquisition of the following real property rights required for the Sunnydale Sewer Improvement Project No. CENMSCIC2362 (the "Project") totaling \$2,459,664: (1) permanent subsurface sewer easements over portions of San Francisco APN 4991/24 and 4991/65 comprising 11,677.7 square feet, (2) permanent subsurface sewer easements over portions of San Francisco APN 5100/3, 5101/7 and 5102/9 comprising 24,468 square feet, (3) a temporary 18-month License with a 6-month option term over San Francisco APN 4991/24, 4991/61, 4991/65 comprising 47,568 square feet, and 22,215 square feet over the contiguous Brisbane APN 005-153-030, and (4) a temporary 18-month License with a 6-month option term over portions of San Francisco APN 5100/3 and 5107/1 comprising 24,613.7 square feet; adopting findings under the California Environmental Quality Act ("CEQA"); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

05/24/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100688 [Agreement to Purchase Permanent Subsurface Easements for the Sunnydale Sewer Improvement Project totaling \$174,001]

Resolution approving and authorizing agreements for the acquisition of permanent subsurface sewer easements required for the Sunnydale Sewer Improvement Project No. CENMSCIC2362 (the "Project") over portions of San Francisco APN 5104/4, 4991/7/8, 4991/9 and 4991/68 from Recology Properties, Inc. (fka Macor, Inc.) and Recology San Francisco (fka SF Recycling & disposal, Inc./fka Sanitary Fill Co.) totaling \$174,001., comprising 31,826.19 square feet; adopting findings under the California Environmental Quality Act ("CEQA"); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

05/24/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100692 [Lease of Port Real Property - Pier 26 Annex]

Resolution approving Port Commission Lease No. L-14796 with IDEO, LLC for office space located at Pier 26 Annex within the Southern Waterfront with a sixty month term and a sixty month option. (Port)

05/28/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:20 p.m.



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, June 22, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUN 25 2010

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DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Dufty

Government Audit and Oversight Committee

Supervisors Mar, Chu, Daly

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Elsbernd

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

1:30 PM

Wednesday

11:00 AM

2nd and 4th Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Alioto-Pier from voting. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Daly, moved to approve the Board Meeting Minutes of May 18, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

100360 [Recreation and Park Department - Harding Park Fees]

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.12, to increase greens fees at Harding Park Golf Course, and making environmental findings.

(Recreation and Park Department)

FINALLY PASSED

100363 [Revising Board of Appeals Surcharges]**Sponsor: Mayor**

Ordinance amending San Francisco Administrative Code, Chapter 10G, Section 10G.1 to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the San Francisco Municipal Transportation Agency Board of Directors, the Department of Public Works, the Entertainment Commission, and the Department of Public Health for permits and licenses that may be appealed to the Board of Appeals; remove the surcharge imposed by the Art Commission for Street Artist Certificates; and making environmental findings.

FINALLY PASSED**100642 [Appropriating \$727,265 of General Fund Reserve and De-Appropriating \$397,801 for Salaries, Disability, and Workers' Compensation in the Sheriff's Department - FY2009-2010]****Sponsor: Mayor**

Ordinance appropriating \$727,265 of General Fund Reserve and de-appropriating \$397,081 of expenditure contingency to fund salary expenditures due to State reductions in the Courts, disability pay, and workers' compensation claims in the Sheriff's Department for FY2009-2010.
(Fiscal Impact.)

FINALLY PASSED**100643 [Accept and Expend Grant - Federal Department of Energy Appropriations and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$1,000,000]****Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$1,000,000 from the Federal U. S. Department of Energy appropriations to support the San Francisco Electric Vehicle Initiative and amending Ordinance No. 183-09 to reflect the addition of two (2) grant funded positions at the Department of the Environment.

FINALLY PASSED**Recommendation of the Budget and Finance Committee****100734 [Approval of a Loan from the Low Income Investment Fund to Refinance Existing Section 108 United States Department of Housing and Urban Development Loans - Not to Exceed \$1,925,000]****Sponsor: Mayor**

Resolution approving a loan in the amount not to exceed \$1,925,000 to the City and County of San Francisco from the Low Income Investment Fund to refinance existing Section 108 United States Department of Housing and Urban Development loans.

ADOPTED

Recommendation of the City Operations and Neighborhood Services Committee

100673 [Accept and Expend Grant - Prevention Umbrella for MSM in the Americas - \$101,261]

Sponsors: Chu; Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$101,261 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "Prevention Umbrella for MSM in the Americas" for the period of April 1, 2010, through March 31, 2011.

ADOPTED

Recommendation of the Rules Committee

100584 [Appointment as Road Commissioner - Edward D. Reiskin]

Sponsor: Mayor

Ordinance appointing Edward D. Reiskin, Director of the Department of Public Works, as Road Commissioner for the City and County of San Francisco, and repealing Ordinance 63-07.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Sub-Committee Without Recommendation

100469 [Recreation and Park Department - Botanical Garden Non-Resident Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46, to establish admission fees to the Botanical Garden for non-San Francisco residents, and making environmental findings.

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Maxwell

Noes: 3 - Dufty, Mar, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Budget and Finance Sub-Committee**100567 [Official Advertising, FY2010-2011]**

Resolution designating the Examiner to be the official newspaper of the City and County of San Francisco for all official advertising (Type 1 and Type 2) for FY2010-2011. (Office of Contract Administration)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Resolution designating the Examiner and the San Francisco Chronicle as the official newspapers of the City and County of San Francisco for all official advertising (Type 1 and Type 2) for FY2010-2011. (Office of Contract Administration)

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 1 - Alioto-Pier

Recommendations of the Budget and Finance Committee**100700 [Interim Consolidated Budget and Annual Appropriation Ordinance, FYs Ending June 30, 2011, and June 30, 2012]**

Sponsor: Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures of the City and County of San Francisco for the FYs ending June 30, 2011, and June 30, 2012.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100702 [Interim Annual Salary Ordinance, FY Ending June 30, 2011, for all Departments, and for FY Ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission]

Sponsor: Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FY ending June 30, 2011, for all departments and for FY ending June 30, 2012, for the San Francisco International Airport, Municipal Transportation Agency, Port Commission, and Public Utilities Commission continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the City Operations and Neighborhood Services Committee

100104 [Retailers Duty to Disclose Specific Absorption Rate Values for Cell Phones]

Sponsors: Mayor; Maxwell

Ordinance amending the San Francisco Environment Code by adding Chapter 11, Sections 1100 through 1106, to require retailers to disclose specific absorption rate values for cell phones, and making environmental findings.

(Supervisor Elsbernd dissented in Committee)

FINALLY PASSED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Noes: 1 - Elsbernd

Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100712 [Increasing Animal Care and Control Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 1, by amending Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22, to increase fees and set new fees for the Department of Animal Care and Control and to update language to reflect current practices, amending Section 41.25 to authorize administrative citations for violation of specified Health Code sections, amending Section 41.26 to update language regarding fee changes in subsequent fiscal years, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100722 [San Francisco Enterprise Zone Tax Credit Forms and Fee]

Sponsor: Mayor

Ordinance amending Administrative Code, Chapter 2A, Article XIX, by amending Section 2A.270 to authorize the Economic and Workforce Development Department to process forms and supporting documentation to establish eligibility for San Francisco Enterprise Zone tax credits, authorizing fee, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100742 [Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved]

Sponsor: Mayor

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: budget analyst (Board of Supervisors); absentee voter ballot distribution (Department of Elections); LGBT Anti-violence Education and Outreach Program (District Attorney); central shops security, convention facilities management, janitorial services, and security services (General Services Agency-City Administrator); security services-1680 Mission Street (General Services Agency-Public Works); mainframe system support (General Services Agency-Technology); security services (Human Services Agency); Project S.A.F.E. (Police); and food services (Sheriff).

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100743 [Refunding Certificates of Participation - Not to Exceed \$155,000,000]**Sponsor: Mayor**

Ordinance authorizing the execution and delivery of Refunding Certificates of Participation in an aggregate principal amount not to exceed \$155,000,000 to refinance certain certificates of participation that financed various capital improvement projects; approving the form of a Trust Agreement between the City and County of San Francisco and the trustee (including certain indemnities contained therein); authorizing the selection of a trustee (Trustee); approving the form of a Property Lease between the City and the Trustee named therein relating to certain property generally known as the San Bruno Complex and certain other City-owned property; approving the form of a Project Lease between the City and the Trustee (including certain indemnities contained therein); approving the form of an Escrow Agreement between the City and an Escrow Agent named therein (including certain indemnities contained therein); approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Refunding Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Refunding Certificates of Participation, if sold by negotiated sale and approving the form of a Purchase Contract between the City and an Underwriter named therein; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Refunding Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations**Privilege of the Floor**

Supervisor Maxwell, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to Luminall SF Solar and Grace Tabernacle Church in recognition of their accomplishments and continued community support.

COMMITTEE REPORTS

Recommendations of the Government Audit and Oversight Committee

100583 [Memorandum of Understanding - International Union of Operating Engineers Stationary Engineers, Local 39]

Sponsor: Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers Stationary Engineers, Local 39, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100608 [Memorandum of Understanding - Multiple Unions (Crafts Coalition)]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Plasterers and Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100609 [Memorandum of Understanding - San Francisco Institutional Police Officers' Association]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100610 [Memorandum of Understanding - San Francisco Deputy Probation Officers' Association]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100611 [Memorandum of Understanding - International Brotherhood of Electrical Workers, Local Union 6]

Sponsor: Mayor

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100612 [Memorandum of Understanding - Municipal Attorneys' Association]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100613 [Memorandum of Understanding - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, Supervising Probation Officers]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100614 [Memorandum of Understanding - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100615 [Memorandum of Understanding - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO to be effective July 1, 2010, though June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100616 [Memorandum of Understanding - Teamsters, Local 856 (Multi-Unit)]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100617 [Memorandum of Understanding - Transport Workers Union of America, Local 200]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100618 [Memorandum of Understanding - Transport Workers Union of America, Local 250-A (Non-MTA 7410)]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100619 [Memorandum of Understanding - Transport Workers Union of America, Local 250-A (Multi-Unit)]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100620 [Memorandum of Understanding - Service Employees International Union, Local 1021]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, to be effective July 1, 2010, through June 30, 2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100621 [Memorandum of Understanding, Amendment No. 4 – Municipal Executives' Association]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100622 [Memorandum of Understanding, Amendment No. 3 - International Federation of Professional and Technical Engineers, Local 21]**Sponsor: Mayor**

Ordinance adopting and implementing the Amendment No. 3 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100623 [Memorandum of Understanding, Amendment No. 2 – San Francisco District Attorney Investigators' Association]**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award that establishes Amendment No. 2 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by implementing specified terms and conditions of employment for FY2010-2011.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100624 [Memorandum of Understanding, Amendment No. 4 - Union of American Physicians and Dentists (Unit 8-CC)]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100625 [Memorandum of Understanding, Amendment No. 3 - Union of American Physicians and Dentists (Unit 11-AA)]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 3 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100626 [Memorandum of Understanding, Amendment No. 1 - Laborers International Union, Local 261]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2009-2011 Memorandum of Understanding between the City and County of San Francisco and the Laborers, Local 261 by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100627 [Memorandum of Understanding, Amendment No. 3 - Automotive Machinists Union, Local 1414]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 3 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

100628 [Compensation for Unrepresented Employees]**Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and methods of payment, effective July 1, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Recommendation of the Rules Committee**100797 [Appointment, Market and Octavia Community Advisory Committee - Kenneth Wingard]**

Motion appointing Kenneth Wingard, term ending December 16, 2010, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Kenneth Wingard, seat 4, succeeding Brad Villers, deceased, must be a local merchant and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2010.

Motion No. M10-100**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisor Dufty was noted absent at 2:35 p.m. and was noted present at 2:51 p.m.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.
Regina Bostick; expressed concerns relating to basic telephone service standards legislation.
Abdallah Megahed; expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Nicholas Holbrook; expressed concerns relating to proposed sit/lie legislation.
Hima; expressed concerns relating to strip club exploitation.
Dave; expressed various concerns.
Ariana; expressed concerns relating to proposed budget cuts.
Nellie Granado; expressed concerns relating to proposed budget cuts.
Terri Priestly; expressed concerns relating to proposed budget cuts.
Michael Goldman; expressed concerns relating proposed budget cuts.
Greg Ledbetter; expressed concerns relating to proposed budget cuts.
Christine Moyer; expressed concerns relating to proposed budget cuts and proposed sit/lie legislation.
Male Speaker; expressed concerns relating to proposed budget cuts.
Jose Castillo; expressed concerns relating to proposed alcohol mitigation fee legislation.
Female Speaker; expressed concerns relating to proposed sit/lie legislation.
Male Speaker; expressed concerns relating to proposed budget cuts.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100817 [Supporting the Designation as a Preserve America Community]

Sponsor: Chiu

Resolution supporting the designation of the City and County of San Francisco as a Preserve America Community by the United States Department of the Interior.

ADOPTED

100818 [Recurring Grant Funds to the Department of Public Health - FY2010-2011]

Sponsor: Chu

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY2010-2011.

ADOPTED

100819 [Honoring Gigi Guevarra]

Sponsor: Dufty

Resolution honoring Gigi Guevarra on the occasion of her retirement from 23 years of service to the City and County of San Francisco.

ADOPTED

100820 [Requesting that the Prohibition on Gay Men Donating Blood be Revised]

Sponsors: Dufty; Campos

Resolution calling upon the United States Food and Drug Administration to revise their longstanding prohibition on gay men donating blood.

ADOPTED

100821 [Urging the Rejection of Assembly Bill 746 regarding Conflict of Interest]**Sponsors: Chiu; Campos and Avalos**

Resolution urging the California State Legislature to reject the passage of Assembly Bill 746 regarding conflicts of interest.

ADOPTED

100822 [Excluding Tobacco Products from the Trans-Pacific Partnership Trade Negotiations and all Future Trade Agreements]**Sponsor: Mar**

Resolution Calling on U.S. Trade Negotiators to Exclude lethal tobacco and tobacco products from the Trans-Pacific Partnership and other trade agreements negotiated by the United States, and urging the appointment of public health representatives to advise U.S. Trade Negotiators to protect public health.

ADOPTED

100823 [Supporting Soda Free Summer]**Sponsor: Mar**

Resolution supporting Soda Free Summer.

ADOPTED

100824 [Opposing the Safe, Clean, and Reliable Drinking Water Supply Act of 2010]**Sponsor: Mar**

Resolution opposing the Safe, Clean, and Reliable Drinking Water Supply Act of 2010.

ADOPTED

100828 [Honoring Officer Waldemar L. Jentzsch]**Sponsor: Duffy**

Resolution recognizing Officer Waldemar L. Jentzsch of the San Francisco Police Department.

ADOPTED

100770 [Committee of the Whole - Hearing on the Report of Assessment Costs for Sidewalk and Curb Repairs]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 29, 2010, at 3:00 p.m., to hold a public hearing on the resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

Motion No. M10-101

APPROVED

100773 [Committee of the Whole - Hearing on the Report of Assessment Costs for Blighted Properties]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 29, 2010, at 3:00 p.m., to hold a public hearing on the resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

Motion No. M10-102

APPROVED

100799 [Final Map 5736 - 1042 Pine Street]

Motion approving Final Map 5736, a 5 Unit Residential Condominium Project, located at 1038 - 1042 Pine Street being a subdivision of Lot 009 in Assessors Block No. 0253 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-103

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Maxwell requested that File No. 100825 be severed so that it may be considered separately.

100825 [Opposing the Reduction in Minimum Standards for Basic Telephone Service]

Sponsor: Maxwell

Resolution opposing a proposal of the California Public Utilities Commission to reduce the minimum standards for basic telephone service in California.

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Supervisor Elsbernd requested that File No. 100827 be severed so that it may be considered separately.

100827 [Political Campaign Spending by Pacific Gas and Electric Co.]

Sponsor: Mirkarimi

Resolution demanding refund of shareholder and ratepayer money used to finance Prop 16, urging the San Francisco Employees' Retirement System Board to reform its proxy investment policies with regard to its holdings with Pacific Gas and Electric Co. (PG&E), requesting the California Public Utilities Commission to closely scrutinize PG&E's current rate request, and requesting PG&E CEO Peter Darbee to discuss San Francisco's renewable energy needs.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED to June 29, 2010. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:38 p.m.

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, June 29, 2010 - 2:00 PM

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Dufty

Government Audit and Oversight Committee

Supervisors Mar, Chu, Daly

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Elsbernd

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday

1:30 PM

Wednesday

11:00 AM

2nd and 4th Thursday

3:30 PM

2nd and 4th Monday

10:30 AM

2nd and 4th Thursday

1:00 PM

Monday

1:00 PM

1st and 3rd Monday

10:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:10 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Mar, seconded by Supervisor Chu, moved to approve the Board Meeting Minutes of May 25, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from John Arntz, Director of Elections, certifying the results of the votes as cast at the Consolidated Statewide Direct Primary Election held on June 8, 2010. (See File No. 100875 below.)

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

100712 [Increasing Animal Care and Control Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Health Code, Article 1, by amending Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22, to increase fees and set new fees for the Department of Animal Care and Control and to update language to reflect current practices, amending Section 41.25 to authorize administrative citations for violation of specified Health Code sections, amending Section 41.26 to update language regarding fee changes in subsequent fiscal years, and making environmental findings.

FINALLY PASSED

100722 [San Francisco Enterprise Zone Tax Credit Forms and Fee]**Sponsor: Mayor**

Ordinance amending Administrative Code, Chapter 2A, Article XIX, by amending Section 2A.270 to authorize the Economic and Workforce Development Department to process forms and supporting documentation to establish eligibility for San Francisco Enterprise Zone tax credits, authorizing fee, and making environmental findings.

FINALLY PASSED

100743 [Refunding Certificates of Participation - Not to Exceed \$155,000,000]**Sponsor: Mayor**

Ordinance authorizing the execution and delivery of Refunding Certificates of Participation in an aggregate principal amount not to exceed \$155,000,000 to refinance certain certificates of participation that financed various capital improvement projects; approving the form of a Trust Agreement between the City and County of San Francisco and the trustee (including certain indemnities contained therein); authorizing the selection of a trustee (Trustee); approving the form of a Property Lease between the City and the Trustee named therein relating to certain property generally known as the San Bruno Complex and certain other City-owned property; approving the form of a Project Lease between the City and the Trustee (including certain indemnities contained therein); approving the form of an Escrow Agreement between the City and an Escrow Agent named therein (including certain indemnities contained therein); approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Refunding Certificates of Participation, if sold by competitive sale; authorizing certain actions relating to the Refunding Certificates of Participation, if sold by negotiated sale and approving the form of a Purchase Contract between the City and an Underwriter named therein; approving the form of an official statement in preliminary and final form; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Refunding Certificates of Participation; approving modifications to documents; and ratifying previous actions taken in connection therewith.

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee**100583 [Memorandum of Understanding - International Union of Operating Engineers Stationary Engineers, Local 39]****Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers Stationary Engineers, Local 39, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100608 [Memorandum of Understanding - Multiple Unions (Crafts Coalition)]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Building Inspectors' Association; The Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Plasterers and Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridge, Structural, Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Auto, Marine and Specialty Painters, Local Union No. 1176; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; Teamsters, Local 853, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED**100609 [Memorandum of Understanding - San Francisco Institutional Police Officers' Association]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED**100610 [Memorandum of Understanding - San Francisco Deputy Probation Officers' Association]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED**100611 [Memorandum of Understanding - International Brotherhood of Electrical Workers, Local Union 6]****Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers Local Union 6, AFL-CIO, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED**100612 [Memorandum of Understanding - Municipal Attorneys' Association]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100613 [Memorandum of Understanding - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, Supervising Probation Officers]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100614 [Memorandum of Understanding - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100615 [Memorandum of Understanding - Operating Engineers Local Union No. 3 of the International Union of Operating Engineers]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers, AFL-CIO to be effective July 1, 2010, though June 30, 2012.

FINALLY PASSED

100616 [Memorandum of Understanding - Teamsters, Local 856 (Multi-Unit)]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856 (Multi-Unit) to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100617 [Memorandum of Understanding - Transport Workers Union of America, Local 200]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 200, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100618 [Memorandum of Understanding - Transport Workers Union of America, Local 250-A (Non-MTA 7410)]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Non-MTA 7410), to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100619 [Memorandum of Understanding - Transport Workers Union of America, Local 250-A (Multi-Unit)]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union of America, AFL-CIO, Local 250-A (Multi-Unit), to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100620 [Memorandum of Understanding - Service Employees International Union, Local 1021]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, to be effective July 1, 2010, through June 30, 2012.

FINALLY PASSED

100622 [Memorandum of Understanding, Amendment No. 3 - International Federation of Professional and Technical Engineers, Local 21]**Sponsor: Mayor**

Ordinance adopting and implementing the Amendment No. 3 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, AFL-CIO, Local 21, by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

FINALLY PASSED

100623 [Memorandum of Understanding, Amendment No. 2 - San Francisco District Attorney Investigators' Association]**Sponsor: Mayor**

Ordinance adopting and implementing the arbitration award that establishes Amendment No. 2 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, by implementing specified terms and conditions of employment for FY2010-2011.

FINALLY PASSED

100624 [Memorandum of Understanding, Amendment No. 4 - Union of American Physicians and Dentists (Unit 8-CC)]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 4 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8-CC) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

FINALLY PASSED

100625 [Memorandum of Understanding, Amendment No. 3 - Union of American Physicians and Dentists (Unit 11-AA)]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 3 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA) by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

FINALLY PASSED

100626 [Memorandum of Understanding, Amendment No. 1 - Laborers International Union, Local 261]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2009-2011 Memorandum of Understanding between the City and County of San Francisco and the Laborers, Local 261 by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

FINALLY PASSED

100627 [Memorandum of Understanding, Amendment No. 3 - Automotive Machinists Union, Local 1414]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 3 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the Automotive Machinists Union, Local 1414, Machinists Automotive Trades District 190, International Association of Machinists and Aerospace Workers by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

FINALLY PASSED

100628 [Compensation for Unrepresented Employees]**Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and methods of payment, effective July 1, 2010.

FINALLY PASSED

Recommendations of the Rules Committee**100689 [Settlement of Lawsuit - Nelson A. Estival - \$57,500]**

Ordinance authorizing settlement of the lawsuit filed by Nelson A. Estival against the City and County of San Francisco for \$57,500; the lawsuit was filed on July 24, 2008, in San Francisco Superior Court, Case No. CGC 09-477871, entitled Estival v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

100690 [Settlement of Lawsuit - Anthony Landry - \$70,000]

Ordinance authorizing settlement of the lawsuit filed by Anthony Landry against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 17, 2008, in the San Francisco Superior Court, Case No. CGC 08-744565, entitled Anthony Landry v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

100691 [Settlement of Lawsuit - Bayshore Sanitary District - \$407,000]

Ordinance authorizing settlement of the lawsuit entitled Bayshore Sanitary District v. City and County of San Francisco, et al., filed on November 21, 2007, in San Francisco Superior Court, Case No. 07-469434. Pursuant to the proposed settlement, the City will execute a revenue refund adjustment for the Bayshore Sanitary District's sewer services billings in the amount of \$407,000. In return, the Bayshore Sanitary District will implement measures to ensure that future errors in measuring wastewater flow are promptly detected and corrected and limit its recovery of any overcharges due to equipment error in the future. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the Consent Agenda

Supervisor Elsbernd requested that File No. 100621 be severed so that it may be considered separately.

Supervisor Elsbernd Excused from Voting

Supervisor Campos, seconded by Supervisor Dufty, moved that Supervisor Elsbernd be excused from voting on File No. 100621. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Excused: 1 - Elsbernd

100621 [Memorandum of Understanding, Amendment No. 4 – Municipal Executives' Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 4 to the 2006-2011 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association by extending the term of the parties' Agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FYs 2010-2011 and 2011-2012.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Excused: 1 - Elsbernd

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Sub-Committee

100581 [General Obligation Bonds - Earthquake Safety Retrofit Deferred Loan and Grant Program General Obligation Bonds 2010 - Estimated Cost \$39,140,000]

Sponsor: Mayor

Resolution determining and declaring that the public interest and necessity demand the construction, improvement and seismic retrofitting of multi-story wood framed affordable housing soft-story buildings for earthquake safety funded by the City or other qualified governmental housing finance agency, or owned by private third-parties and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$39,140,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Duffy, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

100095 [Citywide Coordination of Information and Communications Technology]

Sponsor: Chiu

Ordinance amending Department of Technology and Committee on Information Technology responsibilities, establishing the position and duties of the Chief Information Officer, eliminating the Telecommunications Commission, adding San Francisco Administrative Code Chapter 22A, Sections 22A.1, 22A.2, 22A.3, 22A.4, 22A.5, 22A.6 and 22A.7, and deleting San Francisco Administrative Code Sections 3.24, 3.25, 11.85, 11.86, 11.87, 11.88 and 11.89 to implement these changes.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100704 [Emergency Medical Technician Certificate Fee Increase]**Sponsor: Mayor**

Ordinance amending the San Francisco Business and Tax Regulations Code, Article 2, by amending Section 249.8 to increase fees for Emergency Medical Technician certificates, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100705 [Mayor's Office of Housing Administrative Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Administrative Code, Chapter 8, by adding Section 8.43 to establish fees for applications to and subordination requests from the Mayor's Office of Housing.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100707 [Refuse Collection Service Liens and Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Health Code, Article 6, by amending Sections 291.7, 291.13, 291.14, and 293.3, to allow the Department of Public Health to recover its full costs of processing residential and commercial liens for refuse collection services, provide a process for the Controller to adjust fees annually based on program costs, eliminate the monetary cap on the continuing appropriation account, clarify lien hearing procedures, and add an employee class to enforce Sections 293 through 293.2.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100708 [Golden Gate Park Concourse Underground Parking Facility Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.35 to increase the fees at the Golden Gate Park Concourse Underground Parking Facility, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100709 [Police Department Permit Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Police Code, Article 1, by amending Section 2.1 to include a definition of "service fee" and amending Sections 2.26 and 2.27 to increase or establish certain Police Department permit filing, service and license fees and to delete duplicative or obsolete language, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100710 [Increasing Street Artist Certificate Fee]**Sponsor: Mayor**

Ordinance amending the San Francisco Police code, Article 24, by amending Section 2404.1 to increase the fee for a Street Artist Certificate and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 2 - Alioto-Pier, Daly

100711 [Establishing a Fee to Regulate Revenue Control Equipment at Parking Stations]**Sponsor: Mayor**

Ordinance amending the Business and Tax Regulation Code, Article 22, by adding Sections 2219, 2219.5, 2219.6, 2219.7, 2219.8, 2219.9, 2219.10 and 2219.11, to impose a fee on all parking stations that are subject to the requirements in Article 22 to recover administrative and enforcement costs.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100713 [Fire Department Services Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Fire Code, Appendix Chapter 1, Section 112, by amending Sections 112.8, 112.15, and Table 112-B to increase fees for certain Fire Department services, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100714 [Fire Department Emergency Medical Services Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Health Code, Article 3, by amending Section 128.1 to increase fees for Fire Department emergency medical services and to update the language regarding fee changes in subsequent fiscal years, and making environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100717 [Registration Fees for Inspecting and Testing Commercial Weighing and Measuring Devices]**Sponsor: Mayor**

Ordinance amending the San Francisco Administrative Code, Chapter 1, by amending Section 1.13-5 to update registration fees for inspecting and testing commercial devices as authorized by California Business and Professions Code Sec. 12210.5 and set by the California Department of Food and Agriculture, and deleting obsolete language.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100716 [County Agricultural Commissioner's Schedule of Fees for Weighing and Measuring Devices]**Sponsor: Mayor**

Resolution approving a schedule of fees to be charged by the County Agriculture Commissioner for testing of weighing and measuring devices initiated by written request and for reinspecting, retesting and recertifying weighing and measuring devices found to be outside the tolerances of specifications set by the California Department of Food and Agriculture upon an initial inspection prescribed by California Business and Professions Code Section 12210(a).

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100718 [Structural Pest Control Registration and Fees]**Sponsor: Mayor**

Ordinance amending the San Francisco Administrative Code, Chapter 1, by amending Section 1.13-1 to establish reasonable registration fees for structural pest control businesses as authorized by the California Food and Agricultural Code Sections 15204 and 15204.5 and set by the California Department of Food and Agriculture, and deleting obsolete language.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100719 [Patient Rates]**Sponsor: Mayor**

Ordinance amending the San Francisco Health Code, Article 3, by amending Section 128 to set patient rates and other services provided by the Department of Public Health, effective July 1, 2010.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100720 [Food Permit Requirements and Fees for Caterers]**Sponsor: Mayor**

Ordinance amending San Francisco Health Code, Article 8, by amending Section 451, and amending San Francisco Business and Tax Regulations Code, Article 2, by amending Section 249.1, and adding Section 249.22 to update definitions and add fees and permitting requirements for caterers, and provide a mechanism for the Controller's Office annually to adjust fees to track program costs.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100721 [Above-ground Storage Tank Fees]**Sponsor: Mayor**

Ordinance amending San Francisco Health Code, Article 21, by amending Sections 1102 and 1176, by adding above-ground storage tank definitions and fees.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100723 [Building Code – Unsafe Building, Printing, and Reproduction Fees]**Sponsor: Mayor**

Ordinance amending the Building Code, Chapter 1A, to amend Section 102A.3 to assess a monthly monitoring fee for specified unsafe buildings; Table 1A-D concerning inspector fees; Table 1A-K concerning violation monitoring fees; and Table 1A-L concerning printing and document reproduction fees; and adopting environmental findings.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100741 [Accept and Expend Grant - Human Service Agency's Temporary Assistance to Needy Families Emergency Contingency Fund - Not to Exceed \$153,741,681]**Sponsor: Mayor**

Ordinance amending the FY2010-2011 Annual Salary Ordinance to reflect the addition of temporary salaries of \$22,698,000 and authorizing the Human Services Agency to retroactively accept and expend a grant not to exceed the amount of \$52,038,115 from the United States Department of Health and Human Services, as part of the American Recovery and Reinvestment Act of 2009, to support the Mayor's Jobs NOW Program, and authorizing the Human Services Agency to accept and expend an additional grant not to exceed \$101,703,566 pending final approval by the U.S. Congress to extend federal funding beyond September 30, 2010, for a total amount not to exceed \$153,741,681; placing \$101,703,566 on Controller's reserve.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100365 [Amendment to Agreement - Avaya, Inc., to Extend the Term and Increase the Amount of the Contract - \$12,511,756]

Resolution retroactively authorizing the Department of Technology to enter into the Fourth Amendment of an agreement with Avaya, Inc., and increasing the maximum expenditure under the contract to \$12,511,756. (Department of Technology)
(Supervisor Campos dissented in Committee.)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 2 - Campos, Duffy

100735 [Public Education Enrichment Fund - San Francisco Unified School District FY2010-2011]**Sponsor: Mayor**

Resolution approving the San Francisco Unified School District expenditure plan for the Public Education Enrichment Fund for FY2010-2011.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100736 [Public Education Enrichment Fund - Children and Families Commission FY2010-2011]**Sponsor: Mayor**

Resolution approving the San Francisco Children and Families Commission expenditure plan for the Public Education Enrichment Fund for FY2010-2011.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100740 [Adjusting the Access Line Tax with the Consumer Price Index of 2010]**Sponsor: Mayor**

Resolution concurring with the Controller's establishment of the Consumer Price Index for 2010, and adjusting the Access Line Tax by the same rate.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendation of the Budget and Finance Sub-Committee**100557 [Assessment Appeals Board - Increasing Administrative Processing Fees, Adding Certain Waivers, and Changing to an Hourly Rate for Findings of Fact Fees]****Sponsor: Avalos**

Ordinance amending Administrative Code Chapter 2B "Assessment Appeals Boards," by amending Section 2B.9 to increase the administrative processing fee per application from \$30 to \$60 by adding a fee waiver for any property assessed on the roll at a value of \$7,500 or less, and by adding a fee waiver for any property where there is a difference of \$7,500 or less between the taxpayer's opinion of value on the application and the subject property's assessed value on the roll; and by amending Section 2B.11 to change the findings of fact fees from a sliding scale of \$100 to \$1,000 to an hourly rate of \$215 with a maximum of 30 hours billed.

Supervisor Chu, seconded by Supervisor Avalos, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

From the Budget and Finance Sub-Committee Without Recommendation**100649 [Lease of Bill Graham Civic Auditorium to BGCA Management, LLC - 99 Grove Street]****Sponsors: Mayor; Duffy and Chiu**

Resolution approving and authorizing a lease of the Bill Graham Civic Auditorium located at 99 Grove Street to BGCA Management, LLC for a term of approximately 20 years, with two five-year extension options, under San Francisco Charter Section 9.118; and making findings that the lease is in conformance with the City's General Plan and is categorically exempt from environmental review under CEQA.

(Fiscal Impact.)

Supervisor Chiu requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****100771 [Public Hearing - Report of Assessment Costs for Sidewalk and Curb Repairs]**

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

The President inquired as to whether any member of the public wished to address the Board relating sidewalk and curb repairs referenced in File No. 100772. Robert Quan (Department of Public Works) provided an overview of the assessments. Female Speaker; Manny Rikko; Jason Wong; Ivan; Male Speaker; Jeff Landers; Fiona O'Conner; Female Speaker; Male Speaker; Mike; Ray Gallado; spoke objecting to the proposed assessments. Robert Quan (Department of Public Works) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report**100772 [Report of Assessment Costs for Sidewalk and Curb Repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED to July 27, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100774 [Public Hearing - Report of Assessment Costs for Blighted Properties]

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or abatement of blighted conditions ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating sidewalk and curb repairs referenced in File No. 100775. Kenny Bruce (Department of Public Works) provided an overview of the assessments. Carolyn Ross; Male Speaker; Patrick Stack; Mark Dane; Henry Lim; Jeremy Gauthier; Hugh; Bernard Stohl; Alice Stone; Calvin; Barrington; Male Speaker; Male Speaker; Edmond Juicy; spoke objecting to the proposed assessments. Kenny Bruce (Department of Public Works) responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

100775 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

Supervisor Chu, seconded by Supervisor Mirkarimi, moved to divide the question relating to property located at 1232 Noriega Street, located on Page 2 of the report. (See File No. 100891 below.)

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that the following addresses be removed from the accompanying report:

*1400 Post Street
827 Grant Avenue
546 Haight Street
428 Haight Street
500 Mendell Street
665 Geary Street
4722 Geary Street*

The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED, after removing the aforementioned addresses. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100891 [Report of Assessment Costs for Blighted Property Located at 1232 Noriega Street]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted property located at 1232 Noriega Street ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be DIVIDED AND CONTINUED to July 27, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations**Privilege of the Floor**

Supervisor Chu, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Chu introduced, welcomed, and presented a Proclamation to Ara Minasian, Deputy Director in the City Administrator's Office, in recognition of his 25 years of service upon his retirement. Ed Lee, City Administrator, shared in congratulating Mr. Minasian.

Supervisor Alioto-Pier introduced, welcomed, and presented a Certificate of Honor to Lily Marshall-Fricker in recognition of her accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.**100786 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - 900 Folsom Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's May 20, 2010, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0689E, through its Motion No. 18086, for a proposed mixed-use project at 900 Folsom Street, to construct a 9-story, 85-foot tall building with ground and basement level parking, with up to 269 dwelling units, approximately 4,146 square feet of ground floor commercial space along 5th Street, and up to 221 off-street parking spaces (including stackers). The subject property is within the Mixed Use - Residential (MUR) District with a 45-X and 85-X Height and Bulk District, Lot Nos. 009, 018, 048, and 147 in Assessor's Block No. 3732. (District 6) (Appellants: Angelica Cabande on behalf of South of Market Community Action Network (SOMCAN) and Roy Recio on behalf of Manilatown Heritage Foundation). (Filed June 9, 2010, Companion to File Nos. 100787, 100788, 100789)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to July 13, 2010. There were no speakers. The President continued the public hearing open to July 13, 2010.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100787 [Affirming the Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100788 [Reversing the Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100789 [Preparation of Findings to Reverse Certification of the 900 Folsom Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 900 Folsom Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.**100790 [Public Hearing - Appeal of Certification of Final Environmental Impact Report - 260-5th Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's May 20, 2010, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0690E, through its Motion No. 18087, for a proposed mixed-use project at 260-5th Street, to demolish an existing light industrial building on the site and construct a 9-story, 85-foot tall building with a basement level parking garage, creating up to 179 dwelling units, approximately 5,281 square feet of ground floor commercial space along 5th Street, and up to 102 off-street parking spaces (including stackers). The subject property is within the Mixed Use - Residential (MUR) District with an 85-X Height and Bulk District, Lot No. 008 in Assessor's Block No. 3732. (District 6) (Appellants: Angelica Cabande on behalf of South of Market Community Action Network (SOMCAN) and Roy Recio on behalf of Manilatown Heritage Foundation). (Filed June 9, 2010, Companion to File Nos. 100791, 100792, 100793)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed continuance to July 13, 2010. There were no speakers. The President continued the public hearing open to July 13, 2010.

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100791 [Affirming the Certification of the 260-5th Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 260-5th Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100792 [Reversing the Certification of the 260-5th Street Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 260-5th Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100793 [Preparation of Findings to Reverse Certification of the 260-5th Street Project Final Environmental Impact Report]

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 260-5th Street Project. (Clerk of the Board)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED to July 13, 2010. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

COMMITTEE REPORTS

Recommendations of the Government Audit and Oversight Committee

Supervisor Daly Excused from Voting

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that Supervisor Daly be excused from voting on File No. 100753. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Daly

100753 [Lease for Property Located at 150 Otis Street]

Sponsor: Chiu

Resolution approving and authorizing a long term ground lease of 150 Otis Street to 150 Otis Associates, L.P., a California limited partnership, for a term of 70 years with a 29 year extension option, under San Francisco Charter Section 9.118, for the development and operation of affordable housing; and making findings that the lease is in conformance with CEQA, the City's General Plan, and the priority policies of Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Daly

100754 [Issuance and Sale of Tax Exempt Revenue Bonds - Young Men's Christian Association of San Francisco - Not to Exceed \$8,500,000]

Sponsor: Chiu

Resolution approving the issuance and sale of tax-exempt revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$8,500,000 to finance and refinance community center facilities owned and operated by the Young Men's Christian Association of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Recommendations of the Rules Committee

100815 [Confirming the Reappointment of James W. Haas to the City Hall Preservation Advisory Commission]

Sponsor: Mayor

Resolution confirming the reappointment of James W. Haas to the City Hall Preservation Advisory Commission.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

100800 [Appointment, Planning Commission - Kathrin Moore]

Motion approving the President of the Board of Supervisors, Supervisor David Chiu's nomination of Kathrin Moore to the Planning Commission term ending July 1, 2014. (Clerk of the Board)
(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.)

Transmittal date - June 14, 2010

Motion No. M10-104

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

100801 [Appointment, Planning Commission - Hisashi Sugaya]

Motion approving the President of the Board of Supervisors, Supervisor David Chiu's nomination of Hisashi Sugaya to the Planning Commission term ending July 1, 2014. (Clerk of the Board)
(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.)

Transmittal date - June 14, 2010

(Supervisor Alioto-Pier dissented in committee.)

Motion No. M10-105

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.

Walter Paulson; shared in song certain concerns with the Board.

June Jackson; expressed concerns relating to labor agreement at Bill Graham Auditorium.

Juan Carlos Esteban; expressed concerns relating to labor agreement at Bill Graham Auditorium.

Jamie French; expressed concerns relating to labor agreement at Bill Graham Auditorium.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

100874 [Reform of California State Law Regarding Franchise Perpetuities]

Sponsors: Mirkarimi; Campos

Resolution requesting the California State Legislature reform current law to permit local jurisdictions to re-negotiate franchise agreements previously executed in perpetuity by declaring such contracts as contrary to the public interest, setting an expiration date for such contracts, and statutorily limiting the duration of future agreements.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED

100872 [Committee of the Whole - Hearing on Proposed Amendments to the Bayview Hunters Point and Hunters Point Shipyard Redevelopment Plans]

Sponsor: Maxwell

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on July 13, 2010, at 3:00 p.m., to hold a public hearing on the proposed amendments to the Redevelopment Plans for the Bayview Hunters Point and Hunters Point Shipyard Project Areas.

Motion No. M10-106

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 100827 be severed so that it may be considered separately.

100827 [Political Campaign Spending by Pacific Gas and Electric Co.]

Sponsors: Mirkarimi; Campos

Resolution demanding refund of shareholder and ratepayer money used to finance Prop 16, urging the San Francisco Employees' Retirement System Board to reform its proxy investment policies with regard to its holdings with Pacific Gas and Electric Co. (PG&E), requesting the California Public Utilities Commission to closely scrutinize PG&E's current rate request, and requesting PG&E CEO Peter Darbee to discuss San Francisco's renewable energy needs.

Supervisor Campos requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Duffy, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Supervisor Chiu requested that File No. 100875 be severed so that it may be considered separately.

100875 [Declaration of Election Results of June 8, 2010, Consolidated Statewide Direct Primary Election]

Sponsors: Chiu; Campos

Resolution declaring the results of the June 8, 2010, Consolidated Statewide Direct Primary Election.

Supervisor Campos requested to be added as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block 0241, Lots 011 and 012 (the Property), from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

06/16/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/16/2010.

100852 [Mission Bay South - Park P17 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P17, lying along Mission Bay Boulevard North, Mission Bay Boulevard South and Terry A. Francois Boulevard for public use and naming the new park "Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,716 and authorizing official acts in connection with this Ordinance. (Planning Department)

06/17/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100853 [Mission Bay South - Park P18 Improvements]

Ordinance dedicating a portion of State Trust Parcel 5, known as Park P18, lying along Terry A. Francois Boulevard between Mission Bay Boulevard North and China Basin Street for public use and naming the new park "Bayfront Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 178,715 and authorizing official acts in connection with this Ordinance. (Public Works Department)

06/17/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100856 [Settlement of Lawsuit - Jeffrey Bitton, Sandra Bitton and Micha Bitton - \$48,500]

Ordinance authorizing settlement of the lawsuit filed by Jeffrey Bitton, Sandra Bitton and Micha Bitton against the City and County of San Francisco for \$48,500; the lawsuit was filed on December 15, 2008, in the United States District Court, Northern District of California, Case No. C08-5585; entitled Jeffrey Bitton, et al. v. City and County of San Francisco, et al. (City Attorney)

06/21/10; RECEIVED AND ASSIGNED to Rules Committee.

100857 [Settlement of Attorney's Fees/Costs Claim in Lawsuit - A.N.S.W.E.R. Coalition - \$90,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by A.N.S.W.E.R. Coalition - San Francisco in litigation against the City and County of San Francisco for \$90,000.00; the lawsuit was filed on June 16, 2006, in San Francisco Superior Court, Case No. CPF-06-506438; entitled A.N.S.W.E.R. Coalition - San Francisco v. City and County of San Francisco. (City Attorney)

06/21/10; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

100837 [Authorizing the Acquisition of Fee Simple Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 266-286 4th Street]

Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 266-286 4th Street, San Francisco, California, Assessor's Parcel No. Block 3733, Lot 093, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

06/21/10; ASSIGNED to Board of Supervisors.

100840 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 790 Market Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 790 Market Street, San Francisco, California, Assessor's Parcel No. Block 0328, Lot 002, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

06/21/10; ASSIGNED to Board of Supervisors.

100843 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 801 Market Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel No. Block 3705, Lot 48A, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

06/21/10; ASSIGNED to Board of Supervisors.

100846 [Authorizing the Acquisition of Fee Simple Interest By Eminent Domain for Central Subway/Third Street Light Rail Extension - 933-949 Stockton Street]

Resolution authorizing the acquisition of a fee simple interest in real property commonly known as 933-949 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0211, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

06/21/10; ASSIGNED to Board of Supervisors.

100849 [Authorizing the Acquisition of Subsurface Real Property Easement By Eminent Domain for Central Subway/Third Street Light Rail Extension - 1455 Stockton Street]

Resolution authorizing the acquisition of a subsurface easement in real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel No. Block 0130, Lot 001, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

06/23/10; ASSIGNED to Board of Supervisors.

100850 [San Francisco County Exhibit in the 2010 State Fair]

Resolution appointing the City Administrator as the official representative of the City and County of San Francisco for the purpose of entering a county exhibit in the 2010 California State Fair and authorizing a county exhibit on San Francisco's behalf. (City Administrator)

06/14/10; RECEIVED AND ASSIGNED to Rules Committee.

100854 [Approval of the San Francisco Child and Family Services Review - System Improvement Plan for the San Francisco Human Services Agency and Juvenile Probation Departments]

Resolution approving San Francisco's Child and Family Services Review - System Improvement Plan, a strategic plan that: 1) outlines how San Francisco will improve prioritized outcomes for children, youth, and families; 2) serves as the operational agreement between the county and state; and 3) includes plans for utilizing Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families revenues to prevent child maltreatment. (Human Services Department)

06/18/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100855 [Approve San Francisco Public Utilities Commission Calaveras Dam Replacement Construction Management Contract - Not to Exceed \$38,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-911R, Calaveras Dam Replacement Construction Management Services, with Black and Veatch, for an amount not to exceed \$38,000,000 with a term of up to five years and six months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

06/21/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

100858 [Settlement of Unlitigated Claim - Barbara Whittenburg - \$60,000]

Resolution approving the settlement of the unlitigated claim filed by Barbara Whittenburg against the City and County of San Francisco for \$60,000; claim was filed on November 12, 2009. (City Attorney)

06/21/10; RECEIVED AND ASSIGNED to Rules Committee.

100859 [Settlement of Unlitigated Claim - Lance Gentile - \$105,000]

Resolution approving the settlement of the unlitigated claim filed by Lance Gentile against the City and County of San Francisco for \$105,000; claim was filed on September 28, 2009. (City Attorney)

06/21/10; RECEIVED AND ASSIGNED to Rules Committee.

100860 [Amendment to Maintenance and Management Agreement between the San Francisco Port Commission and the San Francisco Redevelopment Agency for Rincon Park]

Resolution authorizing and directing the Port Executive Director to execute the Third Amendment to the Maintenance and Management Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco for the maintenance and management of Rincon Park by the Port, extending the term of the Agreement from June 30, 2010, to June 30, 2013. (Port)

06/16/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:44 p.m.

~~1300.6~~

